# SENATE—*Tuesday, October 1, 1985*

*(Legislative day of Monday, September 30, 1985)*

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

*O Lord, thou hast searched me and know me. Thou knowest my downsitting and mine uprising; thou understandest my thought afar off. Thou compassest my path and my lying down, and art acquainted with all my ways.*—Psalm 139:1-3.

Father in Heaven, in our large Senate family there are bound to be those who have personal or family needs which they are not always free to express. Our culture does not permit people of power to acknowledge vulnerability or weakness but we know that in their humanity they have needs. Thank Thee, Heavenly Father, for the confidence we have that Thou dost know each of us in the totality of his or her life, past, present, and future. We cannot hide from Thee. We cannot deceive Thee. We have no secrets from Thee. As Thou dost know us, gracious Father, meet every need represented in hearts and homes today. Whether estrangement between spouses, parents and children, illness of a loved one near or far, children or youth in trouble, financial difficulty, frustration or boredom at work, discouragement or despair, we ask Thy healing touch upon each situation. Grant our Father, that in our relationships with each other, we will respect, honor and love one another so that though unaware of others' burdens, we will be an instrument for caring and restoration. Dear God, may Your love cover every individual, every family, every circumstance represented by the Senators and all the supporting staffs. In the name of Him who is love incarnate. Amen.

## RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader is recognized.

## SCHEDULE

Mr. DOLE. Mr. President, under the standing order, the leaders have 10 minutes each. I ask unanimous consent to reserve the time of the distinguished minority leader.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask unanimous consent to vitiate the request for special orders by Senator GOLDWATER and Senator NUNN.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOLE. Then, Senator PROXMIRE has a special order for not to exceed 15 minutes.

There will be routine morning business not to extend beyond the hour of 12 noon with Senators permitted to speak for not more than 5 minutes each.

By unanimous consent, at 12 noon the Senate will stand in recess until the hour of 2 p.m. for the Republican and Democratic policy luncheons. When we reconvene at 2 p.m., it is my hope that we can turn to a number of items. But, first of all, I understand Senator GOLDWATER and Senator NUNN would like to speak at that time. Hopefully, it will not be too long. Then, hopefully, we can move on to the imputed interest conference report. After that we will have one or two appropriations bills that we hope to take care of by fairly early evening.

We are still not certain on the Saturday session. I hope to make an announcement on that, if not today, the first thing tomorrow morning so that Senators may make their plans. It all revolves around the extending of the debt ceiling. When that will be taken up or whether or not there will be an effort to keep it free of amendments—and I assume some amendments will be offered in any event. But that is a matter that was discussed with the President this morning at the White House. He indicated he would like a clean debt ceiling, though others have other views.

So it may be necessary at least on this side to have a caucus before we are able to determine that. We may be able to determine that in the next day or so.

Mr. President, I reserve the remainder of my time.

## RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. KASTEN). Under the previous order, the Democratic leader is recognized.

## EXTENSION OF THE DEBT CEILING

Mr. BYRD. Mr. President, as I indicated yesterday in a conversation with the leader, it is my strong feeling that if we can possibly do it, we restrain ourselves on both sides from offering any amendments on the extension of the debt ceiling.

That might be a task that is hard for the majority leader and for me. At least I think I shall try it on this side, and for many reasons.

In any event, I will be talking to the majority leader later. It may not fly at all. It is a suggestion. But I strongly support it. I suppose one Senator may feel that he has to call up an amendment. Then another Senator will feel that he is under no obligation to restrain himself from bringing up an amendment. All we can do is try. I want the majority leader to know that I will be trying to do that.

Mr. President, I yield the floor.

## RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 15 minutes.

## DESIGNER DOORMAT GETS OCTOBER'S GOLDEN FLEECE AWARD

Mr. PROXMIRE. Mr. President, my Golden Fleece of the Month Award for October goes to the Navy.

Now hold on to your galoshes on this one, Mr. President; the fleece goes to the Navy for buying a $792 designer doormat.

That is right—$792 for a custom-made doormat so Navy personnel can walk on nothing but the best; meanwhile, the poor taxpayer gets walked all over with this outrageous expense.

Move over, $7,000 coffee pots! Stand aside, $400 hammers! We now have the $792 doormat! It was installed this August at the Naval Medical Command Southeast Region in Jacksonville, FL.

The poor taxpayer may wipe his shoes on a $3 doormat when he goes home, but not the Navy. It is, damn the cost, full feet ahead on a doormat you would be ashamed to get muddy.

The Navy in this case got what it ordered. The 8-by-10-foot doormat it bought is a posh top-of-the-line beauty. What trips me up is why in

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

the world the Navy paid for it in the first place?

Wipe your boots on any old doormat! Not the Navy. Since the taxpayer was footing this bill, it bought the Rolls Royce of doormats—a "luxo link custom" doormat with the Medical Command's logo woven into it in metallic blue, white, yellow, and turquoise.

I realize the Navy's job is to protect our seas so the enemy does not reach our doorstep. But a $792 doormat hardly qualifies as being vital to our national defense.

The problem is, the Medical Center's designer doormat seems to be just the tip of the mat pile. These fancy doormats seem to be lying around at military facilities everywhere. Imagine the envy of a visiting admiral bereft of a "luxo link custom" doormat. Will he just have to have one?

I asked the Navy to justify this outrageous expense. Its response: "This purchase fills a legitimate command requirement." I would like to see how legitimate they would think this purchase was if their commanders had to pay for it, instead of the poor taxpayer. What is more, the Navy said these designer doormats "are used by most major naval headquarters commands."

With the whopping budget deficit we are facing, all the cuts in spending we are having to make in vital programs, and the belt-tightening the military is now being asked to take, the Navy can hardly afford "luxo link custom" doormats. Caspar Weinberger ought to call a few admirals on the carpet—or better yet, the VIP doormat—and kill this type spending deader than a doormat.

## THE SENATE WILL LOSE A REMARKABLE SENATOR IN MAC MATHIAS

Mr. PROXMIRE. Mr. President, the decision by Senator MAC MATHIAS to retire after this Congress is a sad blow for this body. MAC is precisely the kind of U.S. Senator this country needs. He has all the fundamental virtues. He is intelligent. He works hard. But he is much more. MAC MATHIAS really loves this place. You can tell by the way he speaks in this body. MAC enjoys giving a speech. He makes it fun and often funny. He does not follow any rigid ideological party line. He obviously does what he believes is in the public interest.

This body will miss one of its finest Senators in MAC MATHIAS. This Senator will especially miss him.

Mr. President, I ask unanimous consent that a sensitive and touching article on Senator MATHIAS by Meg Greenfield that appeared in both this week's Newsweek and this morning's Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 1, 1985]

A REPUBLICAN OUTSIDER

(By Meg Greenfield)

I don't want to write about Sen. Charles McC. (Mac) Mathias Jr. as if he had died. All the Republican from Maryland has done is to announce his decision to retire from the U.S. Senate next year, and, contrary to what is so generally assumed in this town, there is life after the U.S. Senate. There is even said to be life outside of Washington. But this, of course, is only hearsay. What interests me about the Mathias decision is neither of these vexed questions, nor even the who-struck-John political details of his recent relationship with his party, a subject that has engrossed many. What interests me is the question of why a man of Mac Mathias' particular enthusiasms should have been consigned so relentlessly over the years to the outskirts of his party.

No one in that party, I believe, will reply that this most affable and humorous of men had a personality problem, as some politically acceptable but personally unbearable figures in both parties do. Again, it is true that he was not shy about bucking party discipline from time to time and going his own way, but then neither have others at the opposite end of the Republican political spectrum been—far from it. For example, Mathias has opposed and even been crucial in blocking some Republican appointments, most notably that of William Bradford Reynolds to be associate attorney general, but Sen. Jesse Helms of North Carolina has waged campaigns against the confirmation of many Reagan nominees, and somehow he has never been made to seem nearly so much a pariah for his failure of allegiance as Mathias has for his.

So I don't think that the breaking of discipline explains it, and I don't think Mathias' relative liberalism is the answer either. His views and his votes on racial questions have not been all that different from those of a number of other Republicans; and it is worth recalling in this connection that a group including Majority Leader Bob Dole and other Republicans recently complained to the Supreme Court about the weakness of some Reagan administration civil-rights policies.

Of course Mathias is, in this and some other key respects, a liberal Republican. But to say this is, I think, to miss the core theme and motivation of the man. It is to conjure up a kind of modernist sensibility, whereas Mathias is, if anything, its antithesis. He is no cutitng-edge-of-institutional-change liberal, no social-science-minded, central-planning pol. On the contrary, the man is almost obsessive in his care for and attachment to tradition, specifically to American historical tradition.

I learned this on a truly freezing afternoon in December almost 15 years ago. I remember the temperature so well because I and a colleague spent several hours riding out to a Civil War battlefield with Mathias in the wreck of a car he drove, which had holes in the floorboards that had been kicked and butted through by the goats he ordinarily transported in it. (When you got in the car and before you ever saw the holes, you knew that goats—at least—had been its previous passengers.) We were there because we had been incautious enough to write an editorial in The Washington Post opposing a Mathias effort to double the size of the Antietam National Battlefield park, so that it would include such Civil War landmarks as the probable site of Clara Barton's field hospital.

Mathias insisted that we take this tour. It included, first, a Revolutionary-period farmhouse where we had a very late lunch and restored our failing vital signs with some red wine and at last—it was pitch-dark by then—a trek around the icy battlefield. What I remember best is the loving preoccupation of Mathias with every detail of the early-American farmhouse, its construction and furnishings, and his utter familiarity with an enthusiasm for the historic resonances of the countryside we traversed. I almost forgave him the certainty of pneumonia.

In the years since then, I have come to understand that this enthusiasm involves not only traditional Americana—artifacts and shrines—but also, and more essentially, traditional American values. It all seems to go together in his mind. Mathias, not to put too fine a point on it, is a Bill of Rights freak. He reads in and about the Constitution. He talks about the Founding Fathers as if he knew them, and in a way, I suppose, he does. Throughout the Watergate time and ever after, when an administration sought to overreach its authority, especially in marauding against an individual or in abusing its powers or encroaching on guaranteed rights, when it lied or snooped or denied due process, you could be sure you would hear from Mathias, that he would be on the phone and on the case. It is his passion. He will nag you to death on it.

Why this should be considered an affront to conservatism—as distinct from proceeding from a very conservative, traditionalist instinct, which it does—I will never know. And why it should be considered subversive of Republican policy to demonstrate so thoroughgoing a hostility to the self-aggrandizement of the state is equally hard to understand. The Senate at the moment is hardly controlled by people who are either unsympathetic to these values or hostile to Mathias. Mathias' fellow Senate Republicans—Dole, Alan Simpson, Richard Lugar, Nancy Kassebaum, Dave Durenberger, Pete Domenici, William Cohen, John Danforth, to name a few—represent one of the strongest and most respected governing groups the Capital has seen in ages.

You might also think that the more ideological, think-tank right, where so much of the political action and energy are in Washington these days, would have some folks within it who appreciated the antistatist quality of Mathias' passion for the U.S. Constitution. But the truth is that higher-ups in his party have spent a great deal of effort devising ways to keep Mathias from ascending to the chairmanship of the Senate Judiciary Committee, which his seniority brought him to the edge of and for which he had spent a political lifetime preparing. The Republicans, riding high in Washington, should ask themselves how it was that so many of them found this man's American political fundamentalism so frightening and what it says of them that they simply could not find a place for him in their counsels.

## REDUCING NUCLEAR ARSENALS IS NOT NEARLY ENOUGH

Mr. PROXMIRE. Mr. President, I wish every American could read the excellent lead editorial in the New

York Times, Sunday. That editorial deals with the most important issue that faces mankind: How to prevent nuclear war. I wish the concluding paragraph could be written in letters of flame 1,000 miles high. Here it is:

The main message is that deterrence must not be allowed to fail, and long before any meaningful defense can be achieved, the arsenals held for retaliation need to be reduced to the smallest possible size. Forcing governments to look nuclear weapons in the face may be the best way to sicken their appetite for building even more.

As the New York Times argues, Government must, indeed, rethink nuclear war. With great respect for the New York Times, this Senator would argue that governments—especially the U.S. Government—should recognize that "reducing the nuclear arsenals to the smallest possible size" will not begin to solve the most crucial nuclear war problem. As that indefatigable champion of the Reagan nuclear arms policy, Richard Perle, never tires of telling us, the United States has, in fact, reduced its nuclear arsenal in both number of warheads and in megatonnage over the past 20 years. But we have spent hundreds of billions in that period to construct an ever more devastating nuclear arsenal. How can this be? How can the United States reduce its nuclear arsenal in size, but at the same time massively increase its devastating power? How has this apparent contradiction happened? It has happened because the reduction in the size of our nuclear arsenal has not in the slightest diminished our vigorous participation in the nuclear arms race. Through constant research and the testing that is essential to research, we have steadily perfected the deadly power of our far smaller arsenal so it is, indeed, smaller in number and megatonnage, but much more devastating than ever.

The danger of the next few years is that the process of creating the terribly destructive—though smaller and fewer—nuclear weapons is just beginning. When this country perfects the antimatter bomb, it will have an "improvement" on fusion and fission bombs in terms of explosive power by a factor of 100 or more. What does that mean? It means we can produce nulcear weapons that are both far smaller and far cheaper than the nuclear weapons we have now. And that means the world will be in far more serious danger than ever. What do much cheaper and lighter nuclear bombs mean? It means that literally scores of countries will be able to afford nuclear weapons. It also means that the overnight superpower status of these devastating new nuclear weapons will make them irresistible. Few if any countries will be able to resist it. Do you doubt that? Put yourself in the position of the top man in Cambodia, or South Korea or Taiwan or the Philippines, or Afghanistan, or Nicaragua or El Salvador let alone Libya or Syria. How could you resist a weapon that could not only put you right up there at the table with Reagan and Gorbachev, but could literally give you the capacity to eliminate totally any neighboring power or any revolutionary group that opposed you or the government that embodies the principles for which you are ready to fight and die? Come to think of it, the race for these weapons could be even more widespread. It would swiftly include revolutionary outsiders determined at any cost to overthrow incumbent regimes. Think what just a few antimatter bombs would do for the Contras in Nicaragua or the Irish Republican Army. Is all this just a foolish flight of fancy? It is a flight of fancy only if we stop the arms race now, and that means especially stopping the essential testing of nuclear arms now. If we do not, it is as certain as tomorrow's sunrise that the arms race will develop nuclear weapons of greater power than today's pulverizers, and far smaller and very much cheaper. Do you say, wait a minute, PROXMIRE. For 40 years the nuclear weapons genie has been out of the bottle. For all these 40 years, you proliferation bogeymen have been reciting the proliferation fairy tale.

But except for five major nations, there has been little or no proliferation. Why should the next 40 years be any different? The answer is in the simple arithmetic of economics. To date, a nuclear arsenal has not come cheaply. The cost has been in the billions. Only countries with major economies could afford such an arsenal. The new nuclear weapons coming on in the arms race are changing all that.

But, do you protest, cost is one thing, but availability is something else? Do you argue we would safeguard the secret of antimatter bombs and keep them to ourselves? Dream on. In the real world, military "secrets" have a lifetime of about 3 months. Once we make the breakthrough and prove it with tests, the race is on.

So, it is not enough—as the New York Times pleads—to reduce the size of superpower nuclear arsenals. That will mean little or nothing. It is far more important to negotiate a mutual, verifiable end to the nuclear arms race and the testing of nuclear weapons that lies at its core.

Mr. President, I ask unanimous consent that the New York Times editorial of Sunday to which I referred be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RETHINKING NUCLEAR WAR

Only 10 years ago, many scientists concluded that the planet could survive a major nuclear war, recovering within a decade. That judgment is now sharply questioned by new interest in the effects of nuclear explosions on the world's climate, cities and agriculture. The Reagan Administration contends that the debate is irrelevant to policy, which is based on the premise that nuclear weapons must never be used. Still, governments that threaten—and are threatened by—nuclear retaliation cannot be indifferent to knowledge of the consequences if deterrence fails.

Smoke, which was entirely neglected in earlier assessments, is the most prominent feature in the emerging portraits of nuclear war. That is because cities are laden with combustibles, like fuel, plastics and asphalt, that create a thick black smoke when burned. If enough smoke ever gets high enough to escape being washed down by rain, a black pall would spread out and enshroud much of the Northern Hemisphere.

Climatologists, employing computer models, are still only guessing what the smoke would do. The latest calculations, reported by a committee of the International Council of Scientific Unions, reiterate that the smoke from a major nuclear war could blot out nine-tenths of the sunlight. The clouds would immediately reduce land temperatures by some 30 degrees, and might linger for a year or so. The committee calculates that this would disrupt agriculture in the Northern Hemisphere and the monsoon season in Asia, causing widespread crop failure and famine.

These are not certain predictions, and the dust of this debate has not settled. But there seems at present a solid chance that a nuclear war, besides killing hundreds of millions immediately, could be followed by a nuclear winter that would kill hundreds of millions more.

Even without a nuclear winter, re-examination suggests that the direct consequences of nuclear war would be no less terrible. According to studies presented last week at the Institute of Medicine in Washington, both the radiation and fire from nuclear explosions have been underestimated. Reappraisal of the deaths in Hiroshima finds that fallout may be a greater danger than anyone knew; the lethal radiation level for humans seems to be much lower than had been thought.

Another recalculation concerns the effect on cities. Government estimates of the casualties from nuclear explosions over cities are apparently based on the blast effect, as calculated from deaths in Hiroshima. But the 1945 bomb was what would now be considered a mere tactical weapon. A modern warhead exploded over a city would probably ignite raging fires, driven by hurricane-force winds and sweeping far beyond the zone of lethal blast. These firestorms might claim four times as many lives as those taken by flash and blast.

These judgments of nuclear effects carry many possible implications for nuclear strategy. But the lesson will not have been learned if strategists merely reallocate their targets and change the design of warheads.

The main message is that deterrence must not be allowed to fail, and long before any meaningful defense can be achieved, the arsenals held for retaliation need to be reduced to the smallest possible size. Forcing governments to look nuclear weapons in the face may be the best way to sicken their appetite for building ever more.

## MYTH OF THE DAY

Mr. PROXMIRE. Mr. President, the myth of the day is that there is free trade among the nations of the world. This widely accepted myth recognizes that there are occasional free-trade lapses here and there. The myth also recognizes that there are a few countries that exclude the free admission and sale of products. But, according to the myth, if the United States wants to sell oranges or autos in Japan, all we have to do is ship them over, transfer them to dealers, and it's like selling Florida oranges or Detroit autos in Texas or New York or Wisconsin. That, Mr. President, is the free market of myth.

The real world is exactly, precisely the opposite. In the real world, there is only one major country in the world that has no quota on the import of Japanese autos. That country is the United States. Can the United States sell its farm products freely, without restraint, in France or Italy or Japan or Germany? Of course not. The United States can only sell in a tightly constrained, limited market.

Is there any semblance of free trade anywhere in the world? Yes; the biggest single-country market in the world is the United States. With a few exceptions, and they are relatively very few, the United States is a free-trade zone for the world.

It is true that the United States did negotiate a limit on the import of Japanese autos. That limit, incidentally, has now expired. The United States did limit the import of Japanese motorcycles. In a few other areas, we have, from time to time, temporarily limited access to our markets. But by and large, the United States is wide open for foreigners to export to this country their food, clothing, autos, steel, oil, ships. The list is endless. Now, is there any significant market in the world where the United States can freely export its product without restraint? If so, I challenge Senators to name it.

The free-market myth carries a corollary myth along with it. That is the myth that any restraint on imports to provide an opportunity for American workers to hold on to their jobs will automatically increase the price of goods or reduce the quality of goods for American consumers. There may be a kernel of truth in this myth if the limitation on foreign goods is carried to an extreme. It is true that foreign goods provide competition with American produced goods in both price an quality. That competition forces American producers to hold down the wages they pay American workers. It forces them to bargain aggressively for the lowest possible cost for the materials they buy. It presses them to use their ingenuity to increase the production they get for every hour of work they have to pay for.

Of course, in a country the size of the United States with our strong antitrust tradition, domestic, U.S.-based competition in most industries is already intense. Foreign competition can play a helpful part. But how much of the market is necessary for this competition to work? In autos, foreigners already have 20 to 30 percent of the market and their share is rapidly growing. Is not that 20 percent to 30 percent enough, in addition to the domestic competition, to hold down prices and require high qaulity?

In textiles, foreign imports absorb even more of the market. The foreign share varies from 40 percent to 60 percent. That should certainly be more—much more—than enough to provide the kind of equality and price competition to keep domestic producers on their toes. The textile industry, after all, is an extraordinarily competitive domestic business even if foreign imports were totally excluded, which no one advocates.

How about shoes? In that industry, foreigners this year will take literally three-fourths—Mr. President, 75 percent—of the entire market. Can anyone sensibly argue that this much of an invasion of the American market is necessary to hold down price and to provide quality? It is absurd.

Finally, the free-market myth carries along still another myth. It is the notion that if the United States moderately and selectively limits access to its markets by foreigners it will kick up a storm of retaliation against American goods that we sell overseas. This myth might have had some force 10 years ago. But today? Take Japan. Last year, this country exported $23.2 billion of goods to Japan. How much did we import to balance off that $23 billion of exports? We imported from Japan $60.4 billion.

Dwell on those figures for a minute. And let me translate it into jobs. Last year, we sent to Japan exports that required 575,000 jobs, at $40,000 per job. They sent back to us imports that required 1,500,000 jobs to produce. This trade, in effect, cost the United States a net of nearly a million jobs. If the United States cut this import volume from Japan in half and the Japanese reciprocated tit for tat, the United States would lose less than 200,000 jobs and gain 500,000 jobs. That means Japan would lose more than twice as many jobs as it gained.

This general bargaining relationship applies for whatever level of limitation on Japanese trade the United States wishes to apply. And the Japanese must know it. If they do not know it, they would quickly find out if the United States applies its limitation on Japanese imports. Consider the overwhelming bargaining strength of the United States. If the United States cuts 10 percent of the Japanese imports and the Japanese retaliate equally, the United States loses 57,500 jobs. It gains 150,000 jobs. If the United States cuts out Japanese imports entirely, the United States loses 575,000 jobs. It gains 1,500,000 jobs. What we gain the Japanese lose.

Will the Japanese retaliate under these circumstances? Of course they will not; they cannot. Obviously any retaliation will cost the Japanese a sure loss of jobs. It will hand America a sure and certain gain of jobs.

So, Mr. President, the myth of the day is that free trade is the general practice in the real world of international trade. It is not. The corollary myths are also a costly illusion.

One corollary myth is that virtually unlimited imports are necessary to reinforce feeble domestic competition in the U.S. economy that is also a widely held fallacy. We have vigorous competition in our economy.

Finally, the myth that a moderate and temporary restraint on imports will provoke a far more costly retaliation by our foreign trading partners that the United States can only lose has no merit whatsoever. Exactly the opposite is true. Retaliation against a country like the United States with its overwhelmingly adverse trade balance is virtually impossible.

## MIGRATORY GENOCIDE

Mr. PROXMIRE. Mr. President, the Soviet occupation of Afghanistan poses a grave threat to the Afghan people and to the regional stability of southern Asia.

At present, the Soviet Union maintains an expeditionary force of more than 115,000 troops in Afghanistan. The troops control the cities, airbases, and other strategic points. This army has an array of lethal weapons ranging from helicopter gunships to highly maneuverable fighter-bombers.

The Soviets have adopted an unrestrained policy of "migratory genocide" in Afghanistan. They are attempting to kill or force into exile everyone they suspect of supporting the resistance fighters, known as the mujahideen.

By slaughtering innocent people, bombing farms, killing animals, and wrecking fragile irrigation systems, the U.S.S.R. is trying not only to force the local people into obedience, but also to destroy completely the economic and social structure of more than 80 percent of the country.

According to a member of the Swedish Committee for Afghanistan, headquartered in Pakistan, "The Russians are turning every region that does not bend to their will into a wasteland."

Unfortunately, Soviet tactics are succeeding. Between one-quarter and one-third of the prewar population of Afghanistan has fled the country. Countless other refugees have hidden

in the mountains. Although reliable statistics are virtually nonexistent, experts believe that hundreds of thousands of people have died as a direct result of the occupation.

American protests have accomplished nothing. The Soviet Union merely ignores or denies our allegations of genocide. The Kremlin throws our accusations back at us, saying that the United States is the country which favors genocide.

The Soviet attempts to shift the blame are successful, because other nations look at the record. They see that while the Soviet Union ratified the Genocide Convention over 30 years ago, we have yet to do so.

We must remove this propaganda weapon from the hands of the Soviets by ratifying the treaty, thereby focusing the world's attention on the atrocities occurring in Afghanistan. Then, and only then, will we legitimately be able to fault the Soviets for committing migratory genocide.

## WISCONSIN AIR NATIONAL GUARD WINS AGAIN

Mr. PROXMIRE. Mr. President, I have just been notified that the 128th Tactical Fighter Wing of the Air National Guard, which is based in Madison, WI, has again won the A-10 weapons loading competition.

The Madison unit has been entered in the competition for the past 3 years since converting to the close air support A-10 aircraft and has now won the top award 2 years straight. No other Air National Guard unit has won more than once. The competition was tough, but our 128th beat out units from New York, Connecticut, Massachusetts, and Maryland.

The Wisconsin National Guard has a long and proud history and I am pleased that our Air Guard is still recognized as the best in the Nation.

## ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond the hour of 12 noon, with statements therein limited to 5 minutes each.

## ACHIEVEMENTS OF BLACK MEMBERS OF THE ARMY AIR CORPS IN WORLD WAR II

Mr. THURMOND. Mr. President, it is a pleasure for me to pay tribute to the black airmen who heroically served our Nation in the European theater in World War II. For the benefit of my distinguished colleagues and our country, I would like to mention some of their achievements.

### THE 99TH PURSUIT SQUADRON

Mr. President, records show that the pilots in the all-black 99th Pursuit Squadron proved themselves in a positive way in the European theater in World War II. These brave pilots of the 99th Squadron were trained at Tuskegee Institute in Alabama.

The first combat assignment of the 99th Squadron came on June 2, 1943. The operation called for the squadron to be wingmen on a strafing mission against the heavily fortified island of Pantelleria, near Italy. Following several days of strafing and bombing, the enemy forces of the island surrendered on June 11, 1943.

On July 2, 1943, six 99th Pursuit Squadron pilots were assigned the role of escorting 16 B-25 bombers, whose mission was to bomb the Castelvetrano Airfield on the island of Sicily. Just after the bombs were dropped, two enemy aircraft attempted to attack the bombers, but the 99th pilots intercepted them. One of the enemy aircraft was shot down, and the other turned and faded into the distance. Not a single bomber was lost on this mission.

Mr. President, until the end of the war in Europe in May 1945, the 99th Pursuit Squadron protected bombers on flights all over the Continent of Europe, specifically including the countries of Greece, Hungary, Romania, Austria, Poland, Italy, and Germany. Part of the Tuskegee airmen's pride was the fact that they did not lose any bombers on their escort flights.

For the record, Mr. President, I would like to list some of the sacrifices and heroic achievements in combat of black airmen in Europe in World War II:

### COMBAT RECORD OF BLACK AIRMEN

#### ENEMY PROPERTY DESTROYED

111 aircraft (in the air), 150 aircraft (on the ground), 16 barges and boats, 58 box cars and other rolling stock, 57 locomotives, 1 radar installation, 2 oil and ammunition dumps.

#### ACTION IN FLIGHT

1,578 grand total of missions flown, 15,533 grand total of sorties flown, 992 pilots graduated at Tuskegee, 450 pilots sent overseas, 66 killed in action.

#### AWARDS

1 Legion of Merit (military award conferred by the President), 1 Silver Star (by the United States for gallantry in action), 2 soldier medals (by U.S.—decoration for bravery—risk of life), 8 Purple Hearts (by U.S.—wounded in action), 150 Distinguished Flying Crosses (by U.S. for heroism or exceptional service in aerial combat), 14 Bronze Stars (by U.S. for valor, decoration for courage), 740 air medals and clusters (by U.S. for meritorious achievement while flying).

### A SOUTH CAROLINIAN IN BLACK HISTORY

South Carolina is proud that one of its natives taught and trained the pilots of the 99th Squadron at Tuskegee Institute. He is Mr. Ernest Henderson, Sr., a native of Laurens County, SC. At the age of 25, Mr. Henderson became a proficient civilian pilot and flight instructor in the Army Air Corps. He had the distinct privilege of being a flying mate of the late and famous Gen. Daniel "Chappie" James, Jr., at Tuskegee Institute, AL, in the 1940's. They flew the same airplanes from the same airport and had the same flight instructors during the early years of their careers in aviation.

Flight Instructors Henderson and James both completed the Civilian Pilot Training Program under Chief Charles A. Anderson at Tuskegee Institute, and both were employed as flight instructors in the Army Air Corps Aviation Cadet Program. In 1943, when Daniel "Chappie" James, Jr., entered the program as a cadet, Ernest Henderson was retained at the flying school at Tuskegee as a flight instructor, although he wanted to enter the Cadet Program. He soon attained the position of assistant squadron commander, a position in which he gave flight tests and flight examinations to cadets seeking graduation. Mr. Henderson trained on the average of 20 cadets a year who entered aerial combat in the aforementioned famous, all-black, 99th Pursuit Squadron which made history in the European theater in World War II.

Mr. Henderson was the first black man from the State of South Carolina to have a commercial pilot license and hold ground instructor, flight instructor, and instrument ratings. In the years following the war, Ernest Henderson became a great leader and educator in my State. South Carolinians are extremely proud of Ernest Henderson, who has been an active leader throughout his life in church, education, community, State, and national affairs, especially in national defense matters.

An article, by Sue Ellis in the State Newspaper in Columbia, SC, entitled, "From Plow to Plane—Retired Educator Broke Ground in Aviation," eloquently presents the life story of Ernest Henderson's climb from the bottom to the top of the ladder of success.

Mr. President, I ask unanimous consent that this fine newspaper article about Mr. Ernest Henderson be published in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"FROM PLOW TO PLANE," NEIGHBORS SECTION, THE STATE NEWSPAPER, COLUMBIA, SC

(By Sue Willis)

Ernest Henderson's childhood fascination with soaring in the skies not only unexpectedly materialized into a career, but also came to cast him in a vital role in breaking the codes of prejudice that gripped World War II America.

Henderson, now a retired educator living in College Place, was a top man in a World

War II experiment to prove what a black man could do in the cockpit. It was an experiment that came out with "flying colors," as he puts it. Henderson, in more than one way, soared to unexpected heights.

"When I was 15 years old, up in Laurens County, working on the farm, picking cotton, hoeing corn, working behind a plow, once a month I would see a little yellow plane fly overhead.

"I would say to the mule, 'whoa,' and he would stop, and I would watch the little plane until it faded off in the distance. At that time I didn't realize that 10 years later I would be an instructor in a similar plane, teaching others to fly who became a part of the 99th Pursuit Squadron at Tuskegee.

"I didn't dream at that particular time that I would ever become a pilot. If I had dreamed it, it would have been an impossible dream, I would say."

He grew up in a family of 10, had to sell produce from the farm to pay tuition to Bell Street High School in Clinton during the Depression. But he did it and graduated with highest honors.

In college, he worked hard to pay his way, selling vegetables, working in the school kitchen, picking up bottle refunds, his wife, Ophelia, said.

Henderson has great tales to tell, of course: how they found a plane could fly itself when a pilot accidentally left the throttle open when he started the plane and left it unattended; how a maneuver he taught on propeller planes outwitted the German jets.

But when he tells his aviation exploits to classrooms of youngsters he visits these days, he shows a drawing of the crude log cabin he grew up in and even cruder schoolhouse he was educated in. "I just mention this because I want to let the youth know today that if I could come up through this type of situation from a plow to a plane, they should be able to make much greater achievements."

But the deck stacked against Henderson wasn't just economics. Attitudes, even laws, of the country at the start of World War II doubted the ability of a black man to fly a plane. The armed forces refused to allow black men to receive pilot training. Segregation threatened to head off men like Henderson who had the desire to serve their country at the throttle of a plane.

At Hampton Institute in Virginia, Henderson was studying business administration when piloting fell to him as a career.

"While there, people began to look forward to an impending war. War was brewing in Europe, and many pilots began to be trained. Six black colleges began training civilian pilots," he said. Hampton was one of them, and Henderson took advantage.

The civilian training was an experiment in its first stages. It proved a man's ability to fly was independent of his race, but even then, when the defense department decided to set up the all-black 99th Pursuit Squadron at Tuskegee Institute in 1941, it was still dubbed an experimental project and did not erase separation.

Henderson quickly plays the problems down, though. "Of course we had to come up under some segregation rules back in those days, but we weren't too concerned about that because we were trying to prove one point—that we could fly . . . we wanted to be a part of the air forces to protect the country. We weren't going to let anything stop us—segregation, discrimination, anything. It wasn't going to hold us back. We just overlooked that type of thing just to get to serve the country."

At Alabama's Tuskegee Institute, he progressed in his training until he became a top flight instructor, chosen assistant squadron commander of the primary training segment of the program. He was one of a few men asked to stay behind to train pilots for the European war.

Henderson had a desire to fly in combat, but, he explained, "at Tuskegee they persuaded me to remain as a trainer." They convinced him that he could serve the country more by training a squadron of good pilots than by going out himself as an individual flyer.

"I think they wanted me there because I was more or less a conservative pilot. I did not drink alcoholic beverages so they nicknamed me Pepsi-Cola Henderson."

"Also, he was called Ernie, the Pride of the Primary," Mrs. Henderson bragged. "It was written all over his helmet."

More than his teetotaler habits, Tuskegee coveted his expertise which was reflected in the credentials he had accrued by that time. He was the first black man from South Carolina to have a commercial pilot's license and hold ground instructor, flight instructor and instrument ratings. Even when still in flight training himself, when a group of civic organizations visited Tuskegee field, Henderson alone was chosen on the spur of the moment to give the folks an air show.

Henderson described the maneuvers, acrobatic and combatative, that he taught, the extensive background in academics needed to fly, and the fact that he had to teach his 99th cadets to be not just good, but better.

"We had to be better than the white pilot," he said. The black pilot had to prove himself. Even overseas they were kept as a black unit, "but when they found they would protect those bombers better than some of the others, then they integrated. They were glad to see those black pilots out there," this ace-pilot explained.

Henderson trained cadets for the squadron up to the last day of the war. After that, the Tuskegee base was turned into a civilian flight training corporation, with Henderson as treasurer. His instructing continued there for four years, and when in 1949 he came to Columbia, he organized the Black Eagles and taught pilots here. Since then he has been a businessman and teacher, assistant principal, and counselor at W.G. Sanders, formerly Fairwold, and Crayton Middle Schools.

All his 68 years of hard work and varied experience have left few gray hairs. His physique is trim and his demeanor energetic. He is still able and eligible for his aviator's license.

In his talks to young people, Henderson's message comes through clearly—reach for the heights, ignoring setbacks.

Henderson's own children are fruits of his creed. One is an international opera singer, one a master teacher, another a lawyer.

From a plow to a plane, Henderson has seen the result of his labor and so has his country.

## AMBASSADOR KIRKPATRICK ON "NICARAGUA'S U.S. LAWYERS"

Mr. DENTON. Mr. President, I call the attention of my colleagues to a column by Ambassador Jeane J. Kirkpatrick, which appeared in today's edition of the Washington Post. Ambassador Kirkpatrick addresses the interesting, and disturbing, situation created by the fact that United States lawyers and witnesses are presenting Nicaragua's case before the International Court of Justice, known as the World Court.

As Ambassador Kirkpatrick points out, the World Court is hardly an impartial judicial body, and it can hardly be expected to consider the issue objectively and fairly. Moreover, she points out that the Americans involved appear to be less interested in determining facts and providing justice than they are in influencing U.S. policy.

We should also note that at least one of the witnesses is a recent employee of the U.S. Government in a position in which he had access to very sensitive information. Another witness is, by his own admission, responding to what he describes as "a responsibility to make available relevant information in his possession," although the source and nature of that responsibility is not at all clear.

There appears to be nothing illegal about the activities in question. Nonetheless, there are serious questions of judgment involved. I have heard from several constituents who are offended by the spectacle of American citizens arguing against the United States before a tribunal with, at best, dubious authority to sit in judgment, and apparently doing so for pecuniary gain.

Ambassador Kirkpatrick's reasoned argument should give us food for serious thought. We need to consider whether the interests of our country and its people are truly served by a process by which, as she says, "more and more actual and potential adversaries are invited into our political process," without distinction and on the basis of a presumed moral equivalence.

Mr. President, I ask unanimous consent that the text of Ambassador Kirkpatrick's article, "Nicaragua's U.S. Lawyers," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NICARAGUA'S U.S. LAWYERS

At the Hague, Nicaragua's case against the United States' government continues to display some unusual characteristics.

It is the first time—old hands say—that lawyers and witnesses have opposed their own country in the World Court. The court, after all, deals with issues between governments, not persons. Heretofore, governments have relied on their own nationals to represent them and citizens have supported their governments. Now, Managua is accusing the United States of major violation of international law for organizing, funding and directing the anti-Sandinista forces (the contras), and for mining Nicaragua's ports.

To press its case against the United States government inside the International Court of Justice, the government of Nicaragua has retained an international team headed by Americans and has called American witnesses to support its case. This development is the more interesting because of the issues

involved and because one of the Americans representing Nicaragua is Abram Chayes, a Harvard law professor who served as top legal adviser to the State Department during the Kennedy administration, and one of the American witnesses, David MacMichael, held a top-secret clearance as a contract employee of the CIA as recently as 1983. The other American witness is Michael J. Glennon, a professor of law at the University of Cincinnati.

The United States is refusing to participate in the proceedings on grounds that the issue before the court is not a narrow or technical legal question but U.S. policy toward Central America and more specifically toward Nicaragua. Such political questions are not deemed justiciable by United States courts and have heretofore not been seen as falling within the jurisdiction of the World Court. The issue, U.S. attorneys insisted, "is an inherently political problem that is not appropriate for judicial resolution." This gives the unprecedented role of the American lawyers and witnesses on the Nicaraguan team an additional political dimension. What are they doing there?

Prof. Glennon claims that he is "acting in the highest tradition of the American people" and that he had "a responsibility to make available relevant information in his possession." However, he does not explain how he acquired the responsibility or to whom it is owed.

It is possible that the attorneys believe that representing Nicaragua before the World Court is no different from representing an accused criminal before an American court. But it seems unlikely given the broadly political character of the issues involved.

It is also possible that the American's involvement on Nicaragua's team is simply one more affirmation of the American faith that political problems between nations can be settled by supranational judicial means. However, this too is likely.

Real naivete is required to believe that the International Court is today a nonpolitical body. Its judges loosely "represent" the world's various political and regional groups. They are nominated by the U.N. Security Council and are elected by one of the world's most political bodies, the General Assembly of the United Nations. Fewer than one-third of the nations of the world accept the court's jurisdiction. Almost all of that one-third have filed reservations limiting jurisdiction. On nontechnical questions, the court's views broadly reflect the politics of the General Assembly.

But if Chayes and his colleagues do not believe that the World Court can be counted on to function nonpolitically, what then are they doing?

I believe that they along with the Nicaraguan government are seeking to change U.S. policy and that they regard their appearance before the court as a legitimate act to that end. Chayes said as much when he noted that U.S. policy toward the Sandinistas is "under continuous discussion" and that an "authoritative statement" by the court could affect the debate (The Washington Post, Sept. 8, 1985). What should the rest of us think of this form of political action?

We regard it as legitimate for Americans to represent a foreign government's interests in Washington, provided that they register as agents and otherwise obey our laws. But the Washington lobbyist for a foreign government seeks to influence American policy directly as it is being made, while counsel and witnesses for Nicaragua cooperate with a foreign government to undermine the legitimacy of existing U.S. government policies. They do this in the name of "higher" loyalties that presumably override a citizen's obligation to support decisions made through normal democratic processes. Glennon invokes these "higher" values when he claims to act in the "highest tradition of the American people."

Does such a tradition exist?

We may be in the process of forging one. Traditionally, citizens of a democracy have a right to participate in making policy and an obligation to accept the resulting decision. Acceptable political behavior in a democracy has not featured collaboration with foreign powers in the policy process. However, the boundaries of acceptable political action and of dissent were stretched during the Vietnam war by those who marched under the Viet Cong flag and worked on North Vietnam's behalf. Boundaries are being stretched again in the Hague. And elsewhere.

More and more actual and potential adversaries are invited into our political process—Hezbollah hijackers, Sandinista ministers, Soviet spokesmen, whomever. We have put our foot firmly down on a slippery slope where distinctions between one's country and its adversaries, citizen and alien, loyalty and disloyalty fade and disappear. And any side is made to seem roughly equivalent to any other. It is all relative.

Or is it?

In the effort now under way at the Hague, the government of Nicaragua seeks to deprive the United States of control over important aspects of its foreign policy. It is curious that such a course would appeal to Americans.

## JODY BALDWIN

Mr. ARMSTRONG. Mr. President, more than a quarter century ago, a young lady by the name of Joan Baldwin came to work at the Senate of the United States. Under the auspices of Senator Styles Bridges of New Hampshire and Bourke Hickenlooper of Iowa, she learned the legislative ropes at the Republican Policy Committee before joining the staff of Senator Len Jordan of Idaho. That was the foundation for a remarkable career in the Congress, which continued, with digressions for family and other matters, until a few weeks ago.

It would not be accurate to say that Jody Baldwin has retired from the Senate; she is simply no longer on its payroll. As a consultant in private service, she remains with us as ever, meeting, educating, advising, and sometimes correcting in that special way of hers that sets a person straight by convincing them they were right all along. This, then, is not a farewell but an acknowledgment—to recognize a job well done.

And what a job it has been. Jody was here during the nadir of the Republican Party, when its members were few and its hopes seemed fewer. She was a member of that bold company of determined conservatives who tried, in the Presidential campaign of 1964, to turn their country away from a course it would later sorely regret, a course marked by tragedy abroad and fiscal and social chaos here at home. And if the outcome of that campaign was a serious disappointment to her, it must have made all the sweeter the vindication of its principles that came in President Reagan's landslides of 1980 and 1984. That was a long time to wait, but Jody has the sense of history of her Virginian ancestors. Twenty years is not too long an effort to set the Nation back on the right course.

As legislative director for Senator Jim Pearson of Kansas, as an official at the Department of Health, Education, and Welfare from 1971 to 1973, and finally as a member of the staff of the Senate Republican Policy Committee, Jody has been at the center of public policy. Scarcely an issue has escaped her analysis. But the work of which she has been most proud has been institutional, rather than political. She joined the policy committee, under Senator John Tower of Texas, to initiate its legislative notice, a meticulously impartial analysis and condensation of every bill and most amendments coming before the Senate. The notice quickly became an indispensable tool for Senate legislative assistants, who could rely upon its fairness and accuracy, and for Senators too, who could turn to Jody, seated in her customary chair at the side of the Senate floor, for an always reliable summary of the parliamentary situation and the legislative options at hand.

It was not surprising that the Senate's Democratic leadership soon followed Jody's example by beginning their own version of the legislative notice. And this most sincere form of flattery has strengthened the ability of the Senate to deal with the tremendously increased workload of recent years. That, of course, has been just one of many institutional changes Jody has witnessed in the course of her career here; and not all of them have been for the better. She was—and remains—a student of the Senate's rules, a parliamentary expert who knows that this deliberative assembly must live by scrupulous adherence to those rules, or else it will perish in the violation of them. No history book will ever note the many occasions when Jody was here on the floor, defending those rules against transgressions deliberate or accidental, explaining to Senators the significance of this faulty ruling or that noxious precedent. But let us set this accolade here in the record of the Senate: Because of a handful of men and women like Jody, faithful to this institution beyond ties of party or politics, minority rights are still protected in its rules, open debate is still assured to dissenters, and the procedures of democracy are still more important than the pressures of business.

I should mention that, in the course of her challenging career, Jody has also been Mrs. Donald Baldwin: wife, mother, homemaker, leader in church and community. Today, some would refer to that as "having it all." In her case, it is more like "giving it all," giving of her time and talent and never running out of either. Government today is invigorated by the presence of women as candidates, officials, and activities. Long before that became fashionable, Jody was showing that excellence and dedication can overcome all obstacles.

The last two Republican platforms bear her imprint, for she was part of the team that prepared the drafts. Indeed, in Dallas in 1984, she was a familiar presence during the televised proceedings of the GOP's Committee on Resolutions, the person to whom delegates came for advice and suggestions on everything from parliamentary procedure to the drafting of amendments. One might say it was a familiar job in a different setting.

Now, however, she will be doing a different job in a familiar setting; and it's good to know she will still be participating in our legislative process, albeit as a private party. As chairman of the Republican Policy Committee now, I hold a post that goes back to Senators Hickenlooper and Bridges and others before them. Jody Baldwin has been a remarkable thread of continuity, of tradition, of consistency through an era of dizzying change, when too much of the old was hastily abandoned and too much of the novel was recklessly adopted. In such times, those who can put things into broader context give us the solid foundation from which we can build a sounder future.

Her many friends and colleagues will honor her at a reception here in the Capitol—Senate side, of course—this week. But immediately thereafter, it will be back to business: the business of the Senate of the United States, to which Jody Baldwin has given so much and of which she remains a welcome part.

## THE COLLECTIVE BARGAINING RIGHTS OF PROFESSIONAL MUSICIANS

Mr. MATSUNAGA. Mr. President, I rise to join the distinguished senior Senator from Rhode Island [Mr. PELL], in calling to the attention of the Senate the plight of professional musicians who have been denied their right to bargain collectively with their employers. Together, with 12 other Senators, I am a cosponsor of legislation introduced by the distinguished Senator to provide coverage for such musicians under the Taft-Hartley Act to restore to them rights which they had enjoyed for many years.

In my opinion, it is most appropriate to discuss this matter today during the observance of the 20th anniversary of the National Foundation on the Arts and Humanities Act, for musicians throughout the country strongly supported the enactment of the original legislation 20 years ago and have been instrumental in its success.

On the face of it, it would seem that the hotel, restaurant or nightclub which hires professional musicians to play for customers, and determines when the musicians will work, what selections they will play, what they will wear, and in some cases what they will do during their breaks would be considered the employer of the musicians.

In fact, the employer-employee relationship was well established, but musicians were not covered under the Taft-Hartley Act when it was originally enacted in 1947—although they probably could have been—and they were not included under the act's coverage when it was extensively amended in 1959. During the entire 12 years, no questions arose about who was actually the employer of the musicians.

The musicians' problems began years later and culminated in the 1970's in hundreds of unfair labor practice charges. As a result, the National Labor Relations Board determined that because of the "temporary and casual nature" of their employment, musicians were not entitled to bargain collectively with the management of the hotels, restaurants and nightclubs which employ them; and, in 1979, management, in the Commonwealth of Puerto Rico, simply refused to continue negotiating with the representative of the musicians, an affiliate of the American Federation of Musicians. This decision was upheld by the Second Circuit Court of Appeals and, since then, musicians in Puerto Rico have been unable to negotiate issues such as salary and working conditions with the hotels and casinos where they are employed.

A year ago, in September 1984, hearings were held on this matter by the Subcommittee on Labor of the Senate Labor and Human Resources Committee. Testifying in behalf of musicians, Victor W. Fuentealba, president of the American Federation of Musicians, observed that:

> Music is the universal language, and there is not a family today without at least one member who plays a musical instrument. The caliber of musicianship is improving day by day and more and more youngsters are looking forward to careers in music.
>
> Our ability to protect their interest, to (prevent) exploitation and to enable them to earn a decent livelihood is hampered by the current law. The relief we are seeking is not a major revision of the Taft-Hartley Act, but merely changes which will afford the professional musician the right to have a representative of his or her choosing to negotiate with those who wish to utilize their services.

Mr. President, I believe that the relief sought by the musicians is appropriate and would merely restore an employer-employee relationship which existed for many years. Legislation to provide such relief has been the subject of hearings and is once again awaiting consideration in the Labor Subcommittee. As a music lover myself, and as one who is very much concerned about the future of young musicians and other performing artists, being the father of two of them, I wish to add my voice to that of Senator PELL in calling for early action on S. 670.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

## RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. The quorum call is dispensed with.

Under the previous order, the hour of 12 noon having arrived, the Senate will now stand in recess until the hour of 2 p.m.

Thereupon, the Senate, at 12 noon, recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. DENTON].

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

## ORDER OF PROCEDURE

Mr. DOLE. Mr. President, earlier in the day we set aside the special orders of Senators GOLDWATER and NUNN because they wanted to speak at 2 o'clock. I ask unanimous consent that they may each have not to exceed 15 minutes for any purpose.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Following that it is my hope to move to the imputed interest conference report. I understand the distinguished Senator from Ohio will be willing to do that. He may have to absent himself for a Budget Committee meeting, but at least we will get the imputed interest conference report up at 2:30, and then some may want to talk about it. There is still hope we can have an appropriations bill this afternoon.

That is sort of the schedule for the balance of the day.

Mr. GOLDWATER addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

## CONGRESSIONAL OVERSIGHT OF NATIONAL DEFENSE

Mr. GOLDWATER. Mr. President, for more than 2 years, the Senate

Committee on Armed Services has been studying the organization and decisionmaking procedures of the Department of Defense and the Congress. This fully bipartisan effort was started by Senator John Tower and the late Senator Scoop Jackson while they were serving as the chairman and ranking minority member of the committee. They recognized that there were very serious problems in the organization of the Department of Defense and that something had to be done about it.

Senator NUNN and I share that belief and therefore at the beginning of 1985 redoubled the effort. In May, we formed a Task Force on Defense Organization. Reflecting the bipartisan spirit of this undertaking, Senator NUNN and I jointly chair this task force. We are joined on the task force by Senators COHEN, QUAYLE, WILSON, GRAMM, BINGAMAN, LEVIN, and KENNEDY.

The task force has underway a systematic review of these problems. We assigned certain staff to work full time on these issues and directed that they prepare a comprehensive study on the problems and to make recommendations on ways to solve them. That study will be released shortly. The findings and recommendations of the staff study have not been formally endorsed by the task force, but they will provide the foundation for our legislative proposals. I urge my colleagues in the Congress and all concerned Americans to read the study. You will be shocked at the serious deficiencies in the organization and procedures of the Department of Defense and the Congress. If we have to fight tomorrow, these problems will cause Americans to die unnecessarily. Even more, they may cause us to lose the fight.

Mr. President, there is insufficient public awareness of these problems, and therefore over the next few days, Senator NUNN and I will make a number of floor statements on the major deficiencies in the organization and decisionmaking procedures of the Department of Defense and in congressional review and oversight of the defense program. Hopefully, these statements will begin to inform people of the seriousness of these problems and of the need for a determined effort to find and implement effective solutions.

Mr. President, the inability to solve these problems is not due to a lack of attention or a failure to have the issues examined by the most experienced and learned experts. At regular intervals during the past 85 years, these issues have been vigorously addressed by highly capable and well-intentioned individuals, both from the public and private sectors as well as from civilian and military life. It is both the extreme complexity of the Department of Defense and its inherent organizational resistance to change, particularly in the military services, that has served to frustrate previous efforts.

In the upcoming speeches, both Senator NUNN and I will discuss various problems within America's military establishment. We will be blunt, critical and candid in describing the problems in the Defense Department. I would like to state clearly that the work of the Committee on Armed Services and the statements that Senator NUNN and I will make are not a direct criticism of the current administration or any previous administration. We also are not pointing the finger of blame on any current or past civilian or military official of the Department of Defense. The problems currently plaguing the U.S. military establishment have been evident for all of this century. Indeed, many of them first emerged during the Spanish-American War.

Before we criticize the Defense Department, I believe we have to be just as blunt and candid about the way the Congress deals with national defense issues. Congress is compounding the problems in the Department of Defense, and major changes in the way we conduct our business are long overdue.

Thus, this first presentation is on Congress and the way it provides guidance and oversight for national defense. I intend to discuss the changes that have occurred during the past 30 years in the Congress and the impact that these changes have had on congressional oversight of the Department of Defense. Senator NUNN will discuss some of the underlying problems that we will have to come to grips with if we are to implement any solutions.

DOMINANCE OF THE BUDGET PROCESS

Mr. President, I believe one of the most pressing problems we face today is the overwhelming nature of the annual budget process which includes the budget resolutions, the authorizing and appropriations legislation. The budget process dominates the agenda of the Congress and is seriously degrading the quality of congressional oversight of the Defense Department. I am the first to say that Congress needs an effective method for fiscal control. No one can deny that approving a Federal budget is an important obligation of the Congress. The 1974 Budget Act provided for the first time the ability to spotlight the Federal budget and to provide broad guidelines on spending priorities. Congress needs that capability and should shoulder that responsibility. But I do not believe the 1974 act requires the chaos we have today.

When it was adopted 10 years ago, the budget act was designed to provide that spotlight and control with a minimum disruption of the traditional congressional process. Instead, the budget resolution process has come to dominate the legislative agenda and crowd out substantive policy review. The budget process creates an especially difficult situation for the authorizing committees, including the Armed Services Committee. Determining budget priorities has become a major legislative struggle every spring. We rarely get a budget resolution until the first or second week of May. Therefore the Armed Services Committee must review the details of the annual budget submission without final guidelines on the level of spending the Congress is likely to permit. In each of the last 3 years, the Senate Armed Services Committee reported a defense authorization bill that proved higher than the Senate was prepared to support, requiring a complex and disruptive process of adjusting the bill.

BUDGET PROCESS PINCHES AUTHORIZATIONS

The budget process is pinching the authorization process in two ways. First, the budget process is the first of the three steps—budgeting, authorizing, and appropriating—taken annually by Congress on the budget. Because the budget cycle comes first in the sequence, Congress ends up debating the wrong issues on the wrong bill. Traditionally, authorizing committees, each with substantive expertise, have provided the policy review for the Congress. The budget process is supplanting that review and also forcing Congress to debate the wrong questions.

We now spend days debating how much real growth we will give DOD instead of what it takes to defend U.S. interests against threats to those interests. The level of spending is decided without going through a careful analysis of our defense objectives and defense requirements. The key national security issues are barely touched in a superficial discussion of defense spending. The budget process distorts the nature of congressional oversight by focusing primarily on the question of how much before we answer the key questions of what for, why, and how well.

The second problem caused by the dragging out of the budget process is that it drives us to use continuing resolutions. There is not sufficient time in a session any more to adopt a budget, approve the authorization, and enact an appropriations bill. Consequently, Congress increasingly must resort to continuing resolutions frequently just as the fiscal year is beginning.

Continuing resolutions disrupt stable long-term planning in DOD. They force the Department to begin each fiscal year without knowing the level of funds it has available or the limitations placed on those funds. For example, we just approved a continuing resolution to carry us 45 days into fiscal year 1986 because we have not

passed either an authorization or an appropriation bill. That continuing resolution limits spending to the levels of fiscal year 1985. This effectively means that there can be no increase in production rates on some weapon systems which would help lower unit costs. Presumably, when the appropriation is passed later this fall, DOD will be authorized to increase production rates, but it may be too late in the year to do so in a reasonable manner. In short, continuing resolutions are a poor way to run the Defense Department.

CONTINUING RESOLUTIONS ARE POOR PUBLIC POLICY

Also, dependence on continuing resolutions is poor public policy. Continuing resolutions short circuit the normal legislative process. They prevent Senators and Representatives from holding a careful and deliberate review of spending plans. Last year was the worst example of this abuse. The Senate spent 10 days debating the fiscal year 1985 authorization bill. Some 107 amendments were considered during the course of the debate. In the House, 6 days were consumed start by debate, during which some 52 amendments were considered. The actual legal spending authority for the Department of Defense, however, was contained in a continuing resolution that was never debated on the floor of either the House or the Senate and was buried in the middle of an omnibus continuing resolution. It was done at the last minute and no one had the opportunity to challenge the provisions in that bill on the floor. This may be the preference of a handful on the Appropriations Committee but, essentially, we were put in this bind because the budget resolution was not agreed upon until the waning weeks of the fiscal year.

In summary, the budget process is consuming much more than the first half of the legislative year and is the primary cause of continuing resolutions which short circuit the second half. There is no doubt that changes must be made in the congressional budget process.

DUPLICATIVE COMMITTEE REVIEWS

Compounding the yearlong review of the budget cycle is the increasing duplication of activity among committees. All three steps in the legislative cycle—budgeting, authorizing, and appropriating—are assigned to separate committees. The three functions are supposed to be complementary, but, in fact they are in large part redundant. The Constitution clearly intended that there be some duplication by creating two different chambers of Congress. But this duplication is out of control. In practical terms, Congress has to approve a defense budget three times each year and each time we make changes from the earlier direction.

For DOD, the situation has become a nightmare. DOD witnesses now have to testify as many as six different times before six different committees of primary jurisdiction. Six committee staffs are now writing questions for the record. More and more other committees and Members of Congress claim jurisdiction over DOD policy. More and more legislation affecting the Defense Department is reported from subcommittees with only the smallest interest in national security.

More important, committees develop their own unique priorities and approaches which frequently conflict with other committees' priorities and approaches. This creates an inconsistent and sometimes contradictory pattern of oversight. For example, last year the Senate Armed Services Committee gave a high priority to authorizing service requests for munitions and not cutting them in the face of budget pressures. By contrast, the House Armed Services Committee cut munitions levels. Ultimately, we worked things out in conference, but the compromises were not reached until late September, long after the services had to develop their budget submissions for the next fiscal year—1985. When they were working out their plans, half of Congress said buy more and half said buy less. What is DOD supposed to do in light of completely contradictory directions coming from the Congress?

These situations also offer opportunities for factions within the Defense Department to export their political battles to Capitol Hill. Last year, the Air Force and the Army decided to readjust certain missions. The Air Force decided to transfer seven helicopters used for special operations forces to the Army which operates over 10,000 helicopters. Certain offices in the Defense Department opposed to the transfer joined with the Congressman in whose district the seven helicopters were based to reverse the plan. Independent of the merits of the case, factions in DOD allied with a single committee in Congress to reverse a DOD position.

The three stages of the process, and the work of the three committees, is duplicative because of the blurring of jurisdictions among committees. In some instances, the jurisdictions between authorizing and appropriating committees has broken down entirely. Last year, substantial legislative provisions were incorporated in the appropriation bill. Nearly $3 billion was appropriated for which no authorization existed, violating the rules of both the House and the Senate. And there was no real opportunity to challenge these provisions on the floor since the committee-reported bills were incorporated into a last-minute continuing resolution.

Any change in congressional oversight has to include a realinement of jurisdictions and elimination of duplication so that the work of committees is indeed complementary.

CRITICAL TIME FOR CHANGE

We are at a critical time when change is absolutely essential. Congressional oversight of the Defense Department has degenerated into debate over the wrong issues and that irrelevant debate occurs more than once each year. Discipline in Congress has broken down. The discussion is becoming less substantive and balanced. As we direct that changes be introduced into DOD to improve overall national security, we must make change ourselves. I am casting the first stone and I am throwing it at our glass house here in the Congress.

I yield to my friend from Georgia.

The PRESIDING OFFICER. The Senator from Georgia.

CONGRESSIONAL OVERSIGHT OF NATIONAL DEFENSE

Mr. NUNN. Mr. President, Chairman GOLDWATER has given an excellent overview of the broad problems in Congress which have come to affect the way we review Defense Department programs and plans. Chairman GOLDWATER brings the tremendous insight of 25 years of experience in the Senate where he has witnessed these fundamental changes, and, of course, he also has the great advantage of having served an outstanding tour in the Air Force and in the Air Force Reserve. I have spent only half as much time in the Senate as my distinguished chairman but I share his observations and concern. Chairman GOLDWATER has discussed how defense oversight in the Congress has deteriorated. These speeches today will be the first of a series of speeches by Senator GOLDWATER and myself on the whole Defense Department. Today we are going to talk primarily about the role of Congress, because I think this is certainly one of the most significant problems we face, how Congress itself handles the defense budget.

ANNUAL AUTHORIZATIONS

Before 1959, most activities of the Department of Defense were authorized permanently, with the Appropriations Committee determining the level of funding required for the coming year.

All that changed in 1959 when Congress directed that all spending for the procurement of aircraft, missile, and ships be authorized each year prior to consideration of any appropriation. This began a steady process that has resulted in subjecting virtually the entire DOD budget to annual authorizations as well as the annual appropriation. As the chairman pointed out, the budget process is now overlaid on top of both.

I think the process of annual authorizations was a good one, but it has now gone out of control. Annual authorizations provide a strong lever to influence defense policy and provide broad oversight. Unfortunately, we have come to abuse that lever; as the old saying goes: "We have found the enemy and it is us."

The burdens of the annual authorization and appropriation process has produced two specific problems. It has led to the trivialization of Congress' responsibilities for oversight and has led to excessive micromanagement.

NO LONGER THE NATION'S BOARD OF DIRECTORS

The Constitution envisioned that the Congress would act as the Nation's board of directors on public policy issues. Congress was supposed to determine policy goals and set directions. In the defense arena, Congress was to set priorities for programs, not to execute them. Congress' role as the board of directors is eroding; rather, Senators and Representatives and their staffs are acting more and more like national program managers.

Last year the Congress made adjustments to over 1,800 separate programs in the Defense Department. It required reports that were 400–500 pages long to explain why we did what we did. In effect, the Members of Congress and the staff are focusing on the grains of sand on the beach, while we should be looking over the broad ocean and beyond the horizon.

I have been a member of the Armed Services Committee for 13 years. With the exception of the NATO debate last year, I cannot remember when we have had a floor debate on our national military strategy and how well we are doing in carrying out that strategy. We have not had a serious debate about the important relationship between our national objectives, our military strategy, our capabilities, and the resources to support that strategy. We all know that there are serious gaps in these important links. Gen. David Jones, former Chairman of the Joint Chiefs, recently stated:

> The mismatch between strategy and the forces to carry it out . . . is greater now than it was before because we are trying to do everything.

But we have not looked at alternatives which may be more appropriate for the day and the circumstances and the threat we face.

These are precisely the questions that Congress is supposed to consider: Do we have a strategy that achieves our national goals and objectives? Do we have the resources to meet these commitments and support the strategy? What alternative approaches might we adopt for overcoming the strategy-forces mismatch? Those are the questions that Congress should focus on.

Instead, we are preoccupied with trivia. Last year, Congress changed the number of smoke grenade launchers and muzzle borsights the Army requested. We directed the Navy to pare back its request for parachute flares, practice bombs, and passenger vehicles. Congress specified that the Air Force should cut its request for garbage trucks, street cleaners, and scoop loaders. This is a bit ridiculous. The current congressional review of the defense program would make a fitting version of the popular game "Trivial Pursuit." More and more, that is what we are engaged in. Our preoccupation with trivia is preventing us from carrying out our basic responsibilities for broad oversight.

CONGRESSIONAL MICROMANAGEMENT

The second effect of annual authorizations and appropriations is to invite micromanagement. The scope of this problem is unbelievable. Mr. President, I ask unanimous consent to have printed into the RECORD at this point a table prepared by the Secretary of Defense showing the growth of micromanagement by Congress.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

KEY PROBLEM—MICROMANAGEMENT

| | 1970 | 1976 | 1982 | 1985 | Percent increase 1970–85 |
|---|---|---|---|---|---|
| Requested studies and reports | 36 | 114 | 221 | 458 | 1,172 |
| Other mandated actions for DOD | 18 | 208 | 210 | 202 | 2,022 |
| General provisions in law | 64 | 96 | 158 | 213 | 233 |
| Number of programs adjusted: | | | | | |
| In authorization | 180 | 222 | 339 | 1,315 | 631 |
| In appropriation | 650 | 1,032 | 1,119 | 1,848 | 184 |

Mr. NUNN. In 1970, Congress directed the Defense Department to conduct 36 studies. Last year Congress mandated 458 studies and reports of DOD. This is nearly a twelvefold-increase in a period of 15 years. We are also increasingly cluttering up the law with general legislative provisions affecting DOD. Last year, we imposed 213, a 233-percent increase over the level 15 years ago. The micromanagement problem is getting worse at an alarming pace. These are just a few of the examples of provisions contained in this year's authorization bill, and there are many.

It is now the sense of the Congress that the musical units of the Armed Forces must use U.S. manufactured organs and pianos when they provide entertainment for patriotic events. Our staff has nicknamed this the "Wurlitzer amendment."

Congress directed the Secretary of Defense to study the feasibility of selling beef, pork, and lamb products in the United States in overseas commissaries. We didn't direct him to evaluate how well DOD could meet our overseas military commitments, however.

Congress directed studies or reports on retirement benefits for Philippine Scouts.

Mr. President, I could go on and on with these. Each of these studies could be justified on its own merits. But when you add up all of them and look at the total of what we are directing the Defense Department to do, the sum total is absolutely absurd. The micromanagement problem is out of control.

If we are going to demand reform in DOD, we are going to have to reform ourselves. Congress needs to exercise some self-restraint. We need to restore discipline to the legislative process.

These trends toward micromanagement have seriously distorted floor debate on defense bills. During the 5-year period from 1975 to 1980, the House and the Senate spent 3 days on the average on the annual defense authorization. The average number of amendments considered annually was approximately 15.

Compare this with the period from 1981 through 1985. During this second 5-year period, debate in both the House and Senate averaged approximately 9 days each year during which approximately 75 amendments were considered. This year alone there were over 100 floor amendments in both bodies. In just 5 years, the length of time devoted to floor debate has tripled and the number of amendments has increased by fivefold. I ask unanimous consent to have printed at this point in the RECORD a table summarizing the recent floor debate on annual authorizations.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SUMMARY OF FLOOR DEBATE ON ANNUAL AUTHORIZATIONS

| | House | | Senate | |
|---|---|---|---|---|
| | Days of debate | Amendments | Days of debate | Amendments |
| Average 1975–80 | 3 | 13 | 3 | 16 |
| Average 1981–85 | 9 | 77 | 8 | 73 |

Mr. NUNN. Many of these amendments are good, but many are of marginal and questionable value. There apparently is a tendency for every Member of Congress to want his own amendment, many of which are not even germane to the defense bill.

There is much greater public relations value in a floor amendment—irrespective of its value—than there is in proceeding with responsible suggestions through the committee process. In effect, we are seeing an erosion of the committee process. And both the House and Senate tend to accept floor amendments rather than take them on and defeat them.

If the leadership in both bodies would stand up to these amendments, we should be able to restore some ra-

tionality to the process. I am sure that Chairman GOLDWATER shares my hope that next year we can take on a number of these amendments and defeat them on the floor, rather than, accept amendments. Take them to conference, have the conference labor over them for a long time, and then reject them in conference. Senators propose these amendments in all sincerity, thinking the committee has accepted them. Later they learn that their amendment was rejected in conference, as it should have been rejected. These amendments should never have gone to conference, but should have been withdrawn on the floor after debate. I think there is an obligation on the part of our colleagues to withdraw these amendments. I think that is the reason we had so much frustration in the House this year. Some of the amendments were not well constructed. There were a number of amendments on procurement policy that were accepted, which contradicted other amendments also accepted on the floor. This raised the frustration level.

Public policy issues that require the attention of the entire Senate or House in floor debate should be major policy issues and matters of national priority. Instead we are increasingly dwelling on minor matters of narrow concern. We are neglecting our primary responsibilities and tying up the Congress—particularly committees—in irrelevant detail. We have got to change.

FOCUS ON INPUTS, NOT OUTPUTS

Fundamentally, Congress has become preoccupied with this trivia because of our shortsighted focus on inputs rather than on defense output. This problem is certainly not unique to Congress.

We are going to be talking a great deal as the week progresses about problems in the Department of Defense. The Defense Department focuses far too little on the output and far too much on the input. All I have seen in recent years is an unrelenting emphasis on inputs and this plays into the worse tendencies of Congress, and vice versa. We reinforce each others worst tendencies. Unfortunately, both DOD and the Congress are approaching the defense debate with an accountant's mentality. We both view the budget as thousands of individual debit and credit entries. We will have more to say on this subject in upcoming speeches.

Let me give you an example of the focus on inputs. In the late 1970's, the Carter administration announced the so-called Carter doctrine which stated that the United States would provide forces in the Persian Gulf in order to protect Western access to petroleum resources. This was—and I must say remains—a tall order because we had virtually no military capability in the area.

What was required to implement that policy articulated by the President and later reemphasized by President Reagan when he came into office? We had to build up the facilities at Diego Garcia where pre-positioning ships were to be located. We had to buy those ships to store combat equipment. We needed to lease ships for the combat equipment until the new pre-positioning ships were available. We needed to buy additional stocks of spare parts and munitions. Personnel authorizations were required for the headquarters for the unified command that was created to deal with contingencies in the Persian Gulf. Expanded purchases of new modern combat equipment was required. All these things were required in order to implement the policy directive to support the Carter doctrine.

The focus of that policy directive, however, was lost as we broke this policy down into separate budget inputs. Every subcommittee of the Armed Services Committee had responsibility for some piece of the budgetary pie. The Military Construction Subcommittee reviewed facility plans for Diego Garcia. The Seapower Subcommittee had responsibility for maritime pre-positioning ships. Personnel authorizations were scrutinized by the Manpower and Personnel Subcommittee. The Preparedness Subcommittee has jurisdiction over the operations and maintenance appropriation which funded the lease of the interim pre-positioning ship program. Spare parts and equipment procurement were reviewed by the Tactical Warfare Subcommittee. Purchase of fuel to be stored in the region was reviewed by the Preparedness Subcommittee.

Within our own committee we split the elements of the policy into so many different parts that it was very unlikely that many Senators ever had a concept of the program.

Every subcommittee had some responsibility for some aspect of this national policy commitment. Yet the individual subcommittees reviewed the programs required to support the policy side by side with all the other inputs that make up an annual budget request. New construction requirements in Diego Garcia would have to compete with runways in Arizona, barracks in Georgia, and training facilities in Korea for military construction funding. Maritime pre-positioning ships had to compete with submarines and cruisers for limited funds in the shipbuilding appropriation. Reductions would be made in spare parts with no knowledge of the impact they might have on our ability to support the commitment. In short, we in Congress—at least in our committee and I think this is also representative of the House—lost sight of the major policy goal—the output—because of our preoccupation with the massive number of inputs in different line items under different subcommittees required to implement the policy.

This is just an example of the broad systematic problem we face. We dwell on the inputs, and, as a result, we lose sight of the major questions of policy, strategy, and priorities.

I have mentioned a number of problems with the way Congress carries out its responsibilities. Mr. President, I ask unanimous consent that a list of 14 specific problem areas that I highlighted in testimony before the Quayle Committee on Committees be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OBSERVATIONS BY SENATOR NUNN IN TESTIMONY BEFORE SELECT COMMITTEE ON COMMITTEES

1. There is not enough time for the Congress to complete the budget, authorization, and appropriations process before the start of a new fiscal year.

2. Each part of the budget process—the Executive Branch, the budget, authorizing, and appropriations committees—use different account or functional listings, and, in addition, they each work from different baselines and economic assumptions, making a "crosswalk" among them extremely difficult.

3. There is insufficient time for oversight of programs and policies as the budget process has become more unwieldy.

4. More and more of the federal budget has to be authorized annually, causing an overload in the authorizing committees.

5. Missed deadlines anywhere in the budget process have a domino effect on the remainder of the budget process, e.g., if the authorizing committees miss their May 15 deadline, appropriations bills are then delayed.

6. Making the Second Concurrent Resolution binding, instead of the first, delays the budget process.

7. The committee system is being crowded out by the budget process, and the Senate is losing its role as "court of appeals."

8. Appropriations bills are becoming more contentious and, thereby, are harder and harder to pass.

9. There are too many legislative and nongermane proposals on appropriations bills.

10. Schedules are so hurried, it is difficult to focus on fundamental policy issues. (Example—restructuring Joint Chiefs—DOD)

11. There is too much duplicative and repetitive effort among the authorizing committees, the Appropriations Committees, and the Budget Committees.

12. There are too many committees and subcommittees in the Congress, and we are not enforcing the rule limiting the number of committees on which a Senator is permitted to serve.

13. There is no mechanism for a midcourse correction on entitlements, if the sum total of entitlements exceeds the expenditures estimated. This is beyond the scope of any committee restructuring.

14. Also beyond the scope of any committee restructuring is the simple fact that the Federal Government is responsible for virtually every facet of Amerian life. As long as

we continue to address the totality of governmental issues at the Federal level, no committee system will permit sufficient time to perform our duties with efficiency and effectiveness. The tragedy is that by trying to address all issues in Washington, we are doing a poorer job of handling those matters which only the Federal Government can handle. President Reagan addressed this issue his first year, but his efforts were perceived as being primarily a way to shift expenditures to other levels of government, rather than really shifting decision making.

Mr. NUNN. Shifting the focus of the Congress away from inputs toward outputs, from trivia to fundamentals, from micromanagement to oversight will require the active collaboration of Congress and DOD.

There is a saying that organizations do well those things that the boss checks. If we want DOD to focus their efforts on outputs instead of inputs, Congress must focus on outputs. If we want the military departments to improve mission coordination, Congress should focus hearings on joint activities of the services instead of having each service come up time after time after time in separate hearings. If we insist on joint testimony in hearings, they will begin to think in coordinated terms, and we will begin to think in terms of joint missions. If DOD has failed to develop a realistic military strategy, Congress should hold hearings on strategy and give it primary emphasis and oversight.

PROMISING FIRST STEPS

This is a substantial indictment of the congressional oversight process. We are not mincing words with our own problems, nor will we mince words when we get to the Department of Defense problems in the days to come.

I do not want to conclude without noting we have already initiated some promising first steps in correcting the problems we have noted. The conference report on fiscal year 1986 authorization bill contains the provision directing the President to submit a biennial budget for the Department of Defense in January 1987 for fiscal years 1988 and 1989.

I know the Senator from Kentucky has taken a lead in this overall area and has been pushing for biennial authorizations. We are proceeding with biennial budgeting for the Department of Defense, and I hope that other committees of Congress will follow our lead. I know the Senator from Kentucky is doing all he can in that regard.

The Secretary of Defense is required to report on any statutory or procedural changes or problems required to facilitate biennial budgeting by April 1, 1986.

Biennial budgeting is one of the most important changes we can make to improve congressional oversight of the Department of Defense. Let me say that biennial budgeting should occur for the entire Federal budget and I would support any effort to make it universal. I am one of the cosponsors of Senator FORD's bill. While the Armed Services Committee would prefer to have a general 2-year budget process for all Federal spending, the value of biennial budgeting for defense spending was so overwhelming that we decided to direct its implementation in the authorization bill that just passed the Senate in August.

Of course, it is going to be much more difficult to introduce 2-year budgets for only a portion of the budget rather than for the whole budget, but we do believe this first step should be taken.

IMPERATIVE FOR CHANGE

Mr. President, during the last 5 years, we have had a tremendous increase in spending on defense. Because of our huge budget deficits, it is likely that the budget will remain relatively static in the future. We cannot afford the inefficiencies and degradation in military capability that comes from faulty organization and wasted effort. Fundamental systemic reform is essential if we are to minimize these inefficiencies. This reform must include the Congress.

In coming days, we will discuss these problems. During coming months, we will study solutions to these problems. And I intend to join the chairman and other members of the task force in putting forth solutions in the form of legislation.

The staff study that we directed to be undertaken will be published as the chairman has mentioned. We plan to give all interested parties ample opportunity to be heard on that staff study. We plan to draft legislation based on the study and the criticisms and constructive suggestions of that study that we receive in the days and weeks ahead.

Mr. President, let me conclude by saying that this effort is totally bipartisan. The staff has been under the direction of majority staff member Jim Locher, who is on the floor. He and Rick Finn and Jeff Smith have done a superb job. The staff has worked as a nonpartisan team and not as Democrat and Republican members of staff. This team has spent literally thousands of hours over the last year looking into every aspect, not only of the way Congress does business but the way DOD does business.

We owe to the men and women who serve in the U.S. military forces our best efforts to see that they are organized in a way that can protect the national security of our country. An extraordinary number of individuals from the very lowest rank in the enlisted ranks to the very top, the members of the Joint Chiefs, are doing their very best as individuals to protect this country.

These individual efforts must be brought together in a sensible organization to produce the kind of results our Nation deserves.

It has been a great pleasure for me to be a part of this process along with Chairman GOLDWATER. He has furnished and will continue to furnish, I am confident, very fine leadership in this area.

So far as legislation is concerned, the process is just beginning. An enormous amount of work has been done, and I pledge to the chairman and the other members of the committee my total bipartisan support for this effort.

I want to underscore one very important thing he said. Our observations are going to be rather frank and candid; and they are going to be taken, I suppose, as frank and candid criticism.

I hope that all members of the Joint Chiefs, the Secretary of Defense, the President, and others would understand that our critiques of the Department of Defense organization are not criticisms of them personally or individually. We are talking about all administrations. We are talking about our collective failure to organize efficiently in the way we use resources and in the way we carry out our military strategy.

These problems are not unique to this administration. The problems exist now, but they have existed in the past, under Democratic and Republican administrations. Whether or not other people agree with our recommendations, I trust they will recognize the crucial need for organizational reform.

I thank the chairman for his leadership.

Mr. FORD. Mr. President, I appreciate the efforts of Senator GOLDWATER and Senator NUNN in the defense area with respect to the spending of funds.

I understand that if you stay around here long enough, you finally get something done. I hope that is not indicative. I hope this 2-year defense budget that the President is required to send to the Hill, is something that will catch on. Twenty-one States operate this way.

We do not have the time—things are becoming so complex, so divided—to do oversight. We are criticized every day for allowing something to happen. Our constituents read about that in the papers, and that seems to be the only thing they want to report on about you and me.

If, by some stretch of the imagination, some small miracle, we could place this Government under a 2-year budget cycle, it would provide us the opportunity as Members of the U.S. Senate, to perform the duty that our constituents sent us here to do—to try to budget in an effective and intelligent manner, and then to give some

oversight to those agencies we have funded.

We want to be sure that they are carrying out what they said they were going to do when they came up and recommended how much money we should provide their particular agency or area of the Federal Government. We would have an opportunity to call them in and see how they are doing, how they are spending the money, how their programs are working, whether they need more money, whether they need less money. We would understanding somewhat better, with a budget of 16 or 18 months, as we look at the agencies.

Another thing: Out there where we go every weekend—at least, I do; I have averaged 48 weekends a year in going home to my State—those communities want revenue sharing. This is the last year. Those communities want help as it relates to programs that would improve their health and welfare. We are cutting them back. A 2-year budget would tell those communities what they would have for the next 2 years. They would have an opportunity, then, to set out and to plan—not be rushed with a 15-day continuing resolution, a 30-day continuing resolution, a 45-day continuing resolution; and say, "Shucks, we'll just give the same for the rest of the year."

Communities are not in the stable position of knowing how much money will be coming in in certain areas. If they know that, they can make a judgment on how to build, to take wise bids, to do better planning, and to stretch the dollar and get more from it.

Mr. President, I hope that a 2-year budget will come into place. As we all know, today is the first day of the new fiscal year, so-called fiscal 1986.

When I introduced the first 2-year budget bill in the Senate, we were just approaching fiscal year 1982. We are still spinning our wheels in the same rut.

As it has every year since the Budget Act took effect, the Congress again has had to resort to a continuing resolution in order to avoid a partial or total shut down of the Federal Government.

It has now become obvious that we can no longer operate on an annual budget, authorization, and appropriation cycle. Long ago our Federal revenue and spending process became far too complex to be managed with annual budget and appropriation actions. Much of what is done in the yearly process is needlessly repetitive. Neither the executive branch nor Congress can do an effective and sensible job of budget planning, or of fiscal and spending decisionmaking on a yearly cycle. There simply is not enough time.

Moreover, there is no real need for annual budgeting, even if time permitted the job to be done efficiently and effectively each year. Substantial portions of the Federal budget can be fixed for 24 months just as reliably as for 12. Many items are permanently authorized and not susceptible to annual adjustment. Pentagon procurement appropriations probably can be better projected for 2-year periods.

Where we now almost never complete our budget process by the beginning of the fiscal year, a 2-year cycle would give us a realistic chance. As most of us know, continuing resolutions have become an unwelcome—but let us hope not permanent—fixture in the Federal budget process.

The fact is, not only are we failing to do a timely job, we are not doing a good, careful, dependable job of budgeting and appropriating; and a major reason for our failure is the critical shortage of time imposed upon us by the current budget process.

With due respect to the distinguished Senator from New Mexico and to the members of the Budget Committee, that committee's consistent failure to meet its deadlines often forces the Appropriations Committee to work in the dark. In the absence of firm budget ceilings set by a concurrent resolution, the Appropriations Committee must draft its bills according to Senate budget guidelines, only to face the same task again when the concurrent resolution is finally adopted. The latter action is often taken in such haste that adequate analysis of funding requirements are precluded.

Since September 1981, when it was my privilege to initiate and introduce the Senate's first 2-year budget and appropriation bill, I have, in each subsequent Congress, reintroduced a 2-year budget bill. I have happily, if not too patiently, watched support for such measure increase each year, in the Senate and elsewhere.

Just before we recessed this past August, I introduced S. 1556 for myself and Senators QUAYLE, PELL, NUNN, GARN, BUMPERS, COCHRAN, ZORINSKY, and GORE. The chairmen of the Senate Committees on the Budget and on Governmental Affairs have promised to schedule joint hearings this fall on budget improvement measures, and I look forward to an early opportunity to testify on S. 1556.

As I have said many times before, a 2-year budget and appropriation cycle will not solve all of our fiscal and spending problems, and we do not make unrealistic claims that it will. But such a change would at least give us additional time to complete the budget and appropriation process on a regular schedule, with more care and understanding, and would permit us to devote more time to oversight functions which are of critical importance to the authorization process.

Additional time would make for better budget planning; it would prevent, or at least reduce the frequency of, frantic, last-minute efforts to adopt continuing appropriation resolutions; it would enable the States to better plan and fund their operations; and, it would provide a stabilizing element in both the public and private economic sectors.

Mr. President, we need a 2-year budget cycle. I urge Chairmen DOMENICI and ROTH to schedule hearings at the earliest opportunity.

## EXTENSION OF AUTHORITY—RECONCILIATION INSTRUCTIONS

Mr. DOLE. Mr. President, I ask unanimous consent that the September 27, 1985, deadline for the submission of responses to reconciliation instructions, contained in the First Concurrent Resolution on the Budget for fiscal year 1986, be extended until today, October 1, 1985, inasmuch as it pertains to the response of the Senate Committee on Banking, Housing, and Urban Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECOGNITION OF FOUR KENTUCKY SCHOOLS

Mr. FORD. Mr. President, education is a major issue in the Commonwealth of Kentucky today. Kentucky is often near the bottom of the list when the 50 States are ranked in education. There is a growing understanding that quality education is the key to building a foundation for economic prosperity. I believe that an education package recently ushered through the General Assembly by Gov. Martha Layne Collins will go a long way toward improving education in Kentucky.

Because of our historical lag in education, I was especially proud recently to learn that four Kentucky schools were among 212 cited recently by the Department of Education in its Secondary School Recognition Program. Furthermore, the Kentucky schools were among the top 108 in the rankings which were based on criteria judging both faculty and students.

The schools, which are being honored in a White House ceremony today, are Thomas Jefferson Middle School, Jefferson County; Oldham County Middle School; Holmes High School, Covington; and Highlands High School, Fort Thomas.

I want to take this opportunity to commend the students, parents, faculties, and staffs of these four schools for their individual efforts which led to this recognition. It is my hope that this commitment to learning and teaching will be an example to other schools in the State.

I join with the communities served by these schools, the Commonwealth of Kentucky, and the Nation in offering sincere appreciation for these outstanding achievements of educational excellence.

## CONCLUSION OF MORNING BUSINESS

Mr. DOLE. Mr. President, has morning business been concluded?

The PRESIDING OFFICER. Is there further morning business? Morning business is closed.

## SIMPLIFICATION OF IMPUTED INTEREST RULES—CONFERENCE REPORT

Mr. DOLE. Mr. President, I submit a report of the committee of conference on H.R. 2475 and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. NICKLES). The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2475) to amend the Internal Revenue Code of 1954 to simplify the inputed interest rules of sections 1274 and 483, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of August 1, 1985.)

Mr. PACKWOOD. Mr. President, this is the conference report on what is known as the imputed interest bill. Imputed interest is nothing more than a technical term meaning what the Treasury Department will say is what the actual rate of interest should have been in the sale of real estate if for some reason there is an artificially low rate.

Frankly, in the past, we have had a number of situations called to our attention where the interest rate negotiated between the buyer and the seller has been under question. What would happen is that a seller might artificially inflate the value of a piece of property and sell it at lower than a normal rate of interest. The total economic cost comes out the same, but in terms of determining the value of the property for tax purposes, the seller and the buyer get more favorable capital gains tax treatment and lower ordinary income inclusions. It is the Treasury that loses because both sides structure the deal to take advantage of the law to the detriment of all taxpayers in this country.

We therefore passed an imputed interest bill. The House did as well. We have gone to conference with the House. As in all conferences, we won some in the conference, we lost some. The Senator from Ohio [Mr. METZENBAUM] had two amendments. I thought, of the two of them, one was more abusive. I was glad we could hold on that. The other the House was insistent on dropping.

Passing this conference report is necessary so that those dealing in real estate transactions know what the law is. At the moment, they do not know. We are operating in a hiatus. We have had no imputed interest rule since last July and unless we pass something sooner or later, all advisers of those real estate transactions are simply not going to be able to tell what the law is at all. We have already had numerous questions from people about to enter real estate transactions.

I hope the Senate will be able to debate this at whatever length is necessary before we adopt this measure this afternoon so the law is, by and large, fixed and fair. I thank the Chair.

Mr. DOLE. Mr. President, the distinguished chairman of the Finance Committee [Mr. PACKWOOD] and the distinguished ranking member [Mr. LONG] should be commended for their successful efforts to bring before the Senate a revenue neutral solution to the imputed interest problem. This conference report, while it might not be a perfect solution, is a responsible solution. Unfortunately, although the conference was concluded 2 months ago, we have been unable to act on it until now. I hope the Senate will adopt this conference report without further delay.

In the Deficit Reduction Act of 1984, we attempted to close certain tax abuses which relied upon artificially low interest rates. By stating interest at rates significantly lower than could be obtained commercially, buyers of property could overstate the investment tax credit and cost recovery deductions by amounts far exceeding the true value of the property purchased. The goal was laudable; the loophole should have been closed. However, Congress probably made a more sweeping change than was necessary to curtail the major abuse potential.

The rules included in this conference report should go a long way to foreclose tax abuse without having any significant impact on sales of residences, farms, and the great majority of commercial real estate. Even sales of the largest commercial buildings will benefit from this conference report if seller financing is involved.

However, I think we can be confident that, even with these changes, we have made the possibility of major tax abuse much less likely.

I might also add for the benefit of those who have been concerned about when the legislation would be sent to the President that, if the Senate had its way, we would have resolved the imputed interest issue last fall. On the other hand, the additional time provided an opportunity to simplify the solution and should help the Internal Revenue Service to promulgate simpler and more understandable regulations. If, for no other reason, we should be pleased that the resolution of this issue took as long as it did.

Mr. DURENBERGER. Mr. President, I rise today to urge my colleagues to support the conference report on H.R. 2475, a bill to simplify and make permanent the imputed interest rules.

As we all know, the current stop-gap rules have expired. We need to pass this legislation and send it to the President. We owe the people who live under our tax laws some certainty. Right now transactions can't go forward because people don't know what interest rates to charge. We should not allow this state of affairs to continue for another month.

I have been involved in trying to correct the rather draconian provisions regulating imputed interest since they were enacted in the 1984 Deficit Reduction Act.

I take some small pride of authorship for the bill before us today. It looks a bit like my earlier legislation, and this year's version, S. 729.

The conference report represents over a year of work and in the main is a good compromise between all the parties involved:

When the amount of seller financing is less than $2.8 million, the imputed interest rate will not be greater than 9 percent;

When the amount of seller financing is greater than $2.8 million, the imputed interest rate is generally 100 percent of the AFR.

Loan assumptions are excluded and cash-cash accounting is allowed for transactions under $2 million.

This means that it is a simple system—something we are striving for in tax reform. People will be able to understand what interest rate must be carried without a battery of lawyers and accountants.

Yet the concerns about possible abuse and revenue loss to the Treasury are addressed. No longer will mismatch of income interest and the income deduction be allowed, and the potential for overstatement of basis is minimal.

Yet people needing seller financing can now conclude a sale without the IRS stepping in and recharacterizing the transaction.

I have worked on this issue for over a year. Tonight we have the opportu-

nity to enact a simple effective solution to the imputed interest problem.

We would not have this opportunity tonight without the statesmanship of Congressman BILL FRENZEL. My honored colleague from Minnesota has a long history of looking out for the welfare of the American taxpayer.

He had very serious concerns about the nongermane life care provisions of this legislation. Because of the pressing need to enact a solution to the imputed interest problem, due to the fact the stop-gap rule expired June 30, BILL graciously agreed not to object to the conference report and the life care provision.

I thank BILL for this magnanimous gesture, and I applaud his recognition of the importance of finally correcting the imputed interest provisions of the Deficit Reduction Act, so that certainty is established and people who need seller financing, the farmers, small businessmen and homeowners, can go forward with their transactions.

I urge my distinguished Senate colleagues to vote for this conference report. It would not be fair to the people who must live under our tax laws.

Mr. DOLE. Mr. President, it is our hope to dispose of the conference report this afternoon.

The distinguished Senator from Ohio [Mr. METZENBAUM] wishes to discuss the conference report before any disposition, and he is necessarily detailed at an Energy Committee meeting, to be followed by a Budget Committee meeting. So it may be at least 4 p.m. before he is able to return to the floor, maybe even later, but I hope we can dispose of the conference report. So far as I know, there are no other Senators who wish to speak.

Following the remarks of the Senator from Ohio, it is my understanding that he will want a rollcall vote, and we would like to have that vote today and dispose of this conference report.

In the interim, if we can take up other legislation, if anything has been cleared in the appropriations area, we can set aside the conference report, as I understand it. We have the clearance from the distinguished minority leader to do that. So we could take up an appropriations bill sometime this afternoon.

Mr. METZENBAUM. Mr. President, first, I express my appreciation to the chairman of the Finance Committee, the manager of the conference report, and the majority leader of the Senate [Mr. DOLE] for being cooperative and scheduling this debate and the vote in connection therewith at a time that was convenient to the Senator from Ohio and, obviously convenient to the Senator from Oregon as well.

I think the issue we have before us today is a very, very important one. It is not a new issue to the Senate. We are again addressing the issue of the imputed interest tax rules. I want to refresh my colleagues' recollection on this subject because we have been on this issue a number of times in the past.

Since June 27, 1984, when the new rules were adopted by Treasury, we have passed one amendment after another to roll back these changes. Treasury adopted the rules because there were those in the real estate industry and some of the financial world as well, the big syndicators, who were abusing the rules to the point of playing games. And the Senator from Oregon has stated that, as well, it had an impact on the tax consequences because, if you can change ordinary income into capital gains, if you can change interest into depreciation, there may be many things you can do and it may be adding more on the interest and less on the depreciation. There were various things the syndicators were able to do.

On June 27, 1984, the Congress acted, and on June 29, 2 days after the June 27 adoption of the rules that were adopted by Treasury, we passed the so-called enrolling error resolution. This resolution had nothing to do with errors. It came about because Congress wanted to repeal stricter rules on the first $250,000 of sales of principal residences and, on farm sales, up to $1 million.

But that was not enough for the real estate lobby. There was nothing in it for the real estate syndicators, the sellers of tax shelters, office buildings, and shopping centers. So in October 1984, 3 months later, at the behest of the real estate lobby, we moved again—the third time. This time, we temporarily suspended new rules for business transactions of up to $2 million.

How much did this cost the taxpayers of this country? Treasury lost and the syndicators gained $100 million. But as hungry is, as greedy is, as avarice is, they were not satisfied. So in June of this year, the Finance Committee, at their urging, sent a new bill to the floor.

This one eased the imputed interest rules for everyone. And although it stretched out the depreciation from 18 to 19 years in order to pay for the imputed interest rule changes, the measure would increase the deficit through 1988 by $111 million.

I should point out that the increase in the depreciation period is not as much as the President had in his own tax bill. It had gone far farther than that.

I did not object to taking care of the homeowners; I thought that was reasonable. I did not object to taking care of small business; I thought that was reasonable. And I did not think it was unreasonable to give relief to family farmers. But as I have stated repeatedly, there is no merit whatsoever in increasing the budget deficit by subsidizing the tax games played by the real estate syndicator.

An amendment I offered to the Senate version of the legislation before us today would have returned the tax rules we enacted in 1984 on sales in excess of $25 million and at so-called sale-leaseback transactions. That amendment was adopted. But the conferees, who, as far as I know, never, never, never conducted a meeting, struck the $25 million cap.

I must confess that I do not understand why it was dropped. On that point, I ask my colleague [Mr. PACKWOOD] if he would be kind enough to respond to a question. The question I have is, on June 26, when my amendment was adopted as a second-degree amendment to the Durenberger amendment, the following exchange took place.

Mr. METZENBAUM. I am pleased to learn from the chairman of the Finance Committee that he feels that the amendment I have offered is an acceptable one and I believe that he has indicated to me in earlier conversation that if it is acccepted, if it becomes a part of the bill, he will provide strong leadership and strong effort to keep it in the bill at the conference committee level.

The chairman of the Finance Committee, the manager of the bill, manager of the conference committee report, Mr. PACKWOOD, responded:

Mr. President, my good friend from Ohio is correct—I will do the best I can in conference to keep the provisions of this Durenberger-Metzenbaum amendment if it passes, and the Senator has my word on it.

So that nobody may have any mistake about it, I am not at all suggesting, implying or by innuendo indicating that the Senator from Oregon has not kept his word. That is not my point. But I would like to know if the Senator from Oregon could explain to the Senate why the language was dropped by the conference committee.

I am certain that the chairman is aware of Senate rule XXVIII, paragraph 6, that requires conferees to hold open meetings unless the managers of one House vote in open session to close them. So I would therefore ask the chairman of the committee if he would tell the Senate, did the conferees indeed hold an open meeting?

Mr. PACKWOOD. Mr. President, the conferees in the sense of everyone sitting down in one room at the same time did not hold a meeting, open or closed. What we had were negotiations between different members on the committee and different staffs. The House gave some, the Senate gave some, and we came up with this compromise.

Mr. METZENBAUM. Well, is it not a fact that no meeting was held, that these were discussions that took place between the conferees, that the conferees actually never met at all, and as

a consequence the rule requiring an open meeting was—if it was not violated, it came close to being violated? The question that I really have is, who made the decision to take care of the boys who make the deals over $25 million, who made the decision to drop the $25 million cap?

Mr. PACKWOOD. That was a provision the House insisted upon. I cannot tell the Senator who made the decision. If the Senator from Ohio asks if it was the chairman of the Ways and Means Committee or some other member of the Ways and Means Committee I cannot tell him. My good friend from Ohio is fully familiar with the fact—and I am sure has participated in the conferences in this body before—where conferees actually did not meet and probably signed conference reports where the conferees did not meet. It is not an unusual procedure. On a major bill of long magnitude, we usually have meetings, but it is not uncommon and certainly there was no secret as to what was going on at the time negotiations were conducted. But as to who in the House said they wanted "to save the big boys," I cannot pinpoint. All I know is that in my discussions with the chairman of the Ways and Means Committee, he said, "This is a provision that the House will insist upon."

Mr. METZENBAUM. I thank my colleague from Oregon. I want to say to my colleagues in the Senate it is wrong to provide a tax cut to the largest syndicators in this country. It is wrong to increase the Federal budget deficit over the next 3 years by $115.5 million but that is what this measure does. Now, think of it. This is the very first day of the new fiscal year. This is the day when the new budget reconciliation measure will become effective, when the budget reconciliation measure takes effect.

Mr. President, I ask unanimous consent at this point that the revenue estimates by the joint committee be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON TAXATION,
*Washington, DC, September 9, 1985.*

Hon. HOWARD M. METZENBAUM,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR METZENBAUM: This is in response to your letter of August 14, 1985 requesting confirmation of the revenue estimate for the Conference Report on H.R. 2475, the imputed interest bill.

The estimates listed below are the current revenue projections.

[In millions of dollars]

| Fiscal year: | |
|---|---|
| 1985 | (1) |
| 1986 | −31 |
| 1987 | −68 |
| 1988 | −16 |
| 1989 | +35 |
| 1990 | +89 |
| Sum, 1985–90 | +9 |

[1] Gain or loss of less than $500,000.

Sincerely,

DAVID H. BROCKWAY.

Mr. METZENBAUM. Mr. President, here is a situation where special tax treatment is being given to the wheelers and the dealers and the high rollers, to the Wall Street offices that have nothing to do with real estate except to put together syndicated deals, and the real estate lobby. The one change that is made without a public hearing is to eliminate that part of the conference report having to do with the deals over $25 million. These are the same real estate lobbyists whose members write to us week in and week out demanding spending cuts, demanding a line-item veto, demanding a constitutional amendment to balance the budget. Listen to what the National Association of Realtors has adopted as their official position on the deficit. They support a constitutional amendment to balance the budget, and they state:

> The National Association, believing it is mandatory that the administration and the Congress restrain the growth of Federal spending, therefore, supports a congressional initiative and the States' ratification of a constitutional amendment which will make Congress accountable for excessive spending and taxation.

They support giving the President line-item veto authority. Listen to what they say about that:

> The National Association of Realtors statement of policy supports the adoption of legislation giving line item veto authority to the President in order to reduce Federal spending while maintaining the authority of Congress to override the veto by a two-thirds vote.

Now, they have made some great statements about what Congress ought to do, what the President ought to do, but do the imputed interest provisions of the conference report that is now before the Senate help reduce the Federal budget deficit or do they help the greedy realtors? I will not even say they fought to take out the $25 million item. I am not even certain that that is the case, and I would guess it was not, but they stood by; they had the power to do something about it; they have the political moxie around here; they have such a big PAC fund that I read the other day where they are going to go into independent expenditures over and above the amount they spend with their PAC to defeat candidates. This is the group that is not satisfied by one bill, two bills, and enrolling committee technical errors at one point.

Mr. President, the real issue we have today has to do with whether the imputed interest provisions of the conference report that is now before the Senate helped reduce the Federal deficit; and the answer is, "Most certainly not."

The imputed interest provision will add $856 million in red ink to the deficit over the next 5 years. But that is not the only special interest giveaway that we find in this conference report. There is also something that the Senator from Rhode Island will address himself to, called the continuing care provision, and that should really be called the Marriott tax reform measure of 1985, because that is precisely what it is.

That provision permits the Marriott Corp., and other for-profit providers of continuing care facilities to walk away with $44 million in tax subsidies a year for the next 5 years. Whose $44 million? The rest of the taxpayers of this country, obviously.

Is that $44 million being spent wisely? Is it being spent for the benefit of the average senior citizen in this country? No way.

The private continuing-care facilities that will benefit from this provision charge entry fees of $90,000 or more and monthly fees that generally exceed $1,000 per month. These are not facilities designed to serve poor senior citizens who are living on Social Security and modest pensions.

Mr. President, I ask you to consider what we could do with this $44 million to help America's senior citizens. We could double the number of senior citizens receiving home-delivered meals. We could increase by one-third all the Federal research on Alzheimer's. We could assist 200,000 elderly Americans who will not be able to pay their winter heating bills and who face the possibility of having their utilities disconnected.

But the senior citizens, frankly speaking, do not have the lobbyists that Marriott does, so Marriott wins; and once again the taxpayers of this country are the losers.

Mr. President, I want to make it clear. I am not arguing about the basic provisions that others in this body have addressed themselves to having to do with imputed interest. I am talking about the egregious issues, and the one specifically egregious issue we are talking about is the fact there is a special change from that which the Senate passed for deals that are over $25 million.

Now it is true that the conference agreement attempts to cover the revenue loss from these provisions by lengthening the depreciation period on real estate from 18 to 19 years. But let us be frank. That is nothing more than smoke and mirrors, because we do not know what changes will be made when the so-called tax reform bill or the tax equity bill or some other Congress comes along next year or this year as the case may be.

In fact, there are few, if any, savings here because the President's tax reform proposal already calls for an extension of the depreciation period not to 19 years but to 28 years. And if that occurs, then the tax pickup that occurs by changing the depreciation period in this report from 18 to 19 years becomes de minimis and it becomes a nothing.

Even with the budget savings arising from the depreciation changes, the Joint Tax Committee estimates the provisions of the conference report will still cost the Federal Treasury $115 million over the next 3 years. My colleagues are going to have to address the issue: Why did they, on October 1, the first day of the fiscal year, come out here on the Senate floor and vote for a conference committee report that provides for $115 million less than that which the budget calls for? Why did they do it? So that the real estate syndicators can get this tax break? So the operators of the continuing care facilities can get their special tax provisions? I think we ought to congratulate them and their lobbyists for their success in gaining this unjustifiable tax break. They really have done a great job. They have used that which is considered a real concern having to do with farmers, family farm sales, having to do with home sales, having to do with small business deals, they have used that to climb in and take care of the big boys. And, yes, in this particular conference committee report, the one major change to which I address myself is the fact the provision in the Senate bill struck at those deals over $25 million. What we have here is they have eliminated that provision.

Let us ask who are the losers. We know who the gainers are. Instead of providing Federal education benefits to 500,000 handicapped children, we will give the $115 million to the real estate lobby and the syndicators. Instead of taking care of 25,000 homeless children who will go without foster care for a year, the real estate syndicators have gained their point and the Congress of the United States is taking care of them. Instead of taking care of 101,000 female-headed households who live below the poverty line, they will not be assisted. Why? Because the syndicators, it seems, are the "truly needy."

This $115 million could provide WIC benefits for a year to 290,000 pregnant mothers and infants. But they, too, are without a lobby.

Today, Mr. President, is fiscal new year's day and we have this budget busting measure before us on the very day, the very birthday of the fiscal new year.

All our promises to our constituents to work on a balanced budget are for naught because, when the chips are down, I am afraid that my colleagues will take care of the syndicators and take care of the real estate lobby.

The great irony, Mr. President, is that we are breaking our promises at the behest of an industry that preaches incessantly to Congress about the need to balance the budget. "Make Congress accountable," they say, "for excessive spending and taxation." Well, I think that Congress should be held accountable for excessive spending, excessive taxation, and for excessive giveaways to special interests like the real estate syndicators and continuing care industries.

Mr. President, the Budget Act does not contemplate any way to make up for the $115 million reduction in revenues caused by this measure over the fiscal 1986 to 1988 year period. Adopting this conference report will cause budget deficits over the next 3 years to grow by $115 million over and above the level contemplated by the budget resolution.

Mr. President, I am now about to make a parliamentary inquiry. My parliamentary inquiry is: Were the measure to come before the Senate after enactment of a reconciliation bill that does not change revenue, would it be subject to a point of order under the Budget Act?

The PRESIDING OFFICER. The Senator is correct, it would be subject to a point of order under the Budget Act because it would cause a loss of revenues.

Mr. METZENBAUM. I thank the Chair.

Mr. President, I believe that if we are going to give away $115 million over the next 3 years to these particular interests, we should find a way to replace the revenue. And I believe that there is no one more able to do that than the distinguished chairman of the Finance Committee, who is also the manager of the conference committee report. I believe that the Finance Committee should be instructed to report an amendment to the budget reconciliation measure to accomplish that objective.

I believe the fact that the reconciliation measure has not been put in place and passed is no reason why we should not act as if it were in place, because we know it is a delay that should not have occurred. But I am certain that within a week or 10 days, the budget reconciliation measure will be before this body.

Mr. President, I believe that we ought to consider this conference committee report, not on some day long distant in the future, but on some day immediately after the budget reconciliation measure has been adopted. I am in no position to predict with accuracy when that reconciliation measure will be before the Senate, but I am advised it should be here within the week. I will say to my colleague, the manager of the bill, that if it comes before that, the day after the reconciliation measure is disposed of is the time when I believe we ought to have an opportunity to act in connection with the conference report. I believe that is subject to a point of order at that point. I do not believe that the mere fact that we are able to bring it up at this point by agreement and cooperation of the parties is any reason why any one of us should not have an opportunity to raise the budget issue. We should not take advantage of the date.

Therefore, I am not moving to eliminate or to put aside the conference committee report, but rather, Mr. President, I move to postpone consideration of the conference report until October 10, 1985. This will give the Finance Committee time to report back an amendment to the reconciliation measure that raises at least $115 million over the next 3 years.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. PACKWOOD. Mr. President, I ask unanimous consent just to yield to the majority leader for an announcement for a moment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I thank the distinguished chairman for yielding. I understand there will be a vote immediately.

We are honored today to have King Hussein from Jordan visiting us, and we will have a meeting with the King and Senators in room S-207. It is my hope that we can vote rather promptly. He is in my office and prepared to meet with all Senators. I hope my colleagues on both sides of the aisle will get this message through their office, and be in S-207 in about 2 minutes—ago.

Mr. METZENBAUM. Mr. President, will the majority leader yield?

Mr. DOLE. I am happy to yield.

Mr. METZENBAUM. As the majority leader well knows, I am not "delaying."

Mr. DOLE. I understand.

Mr. METZENBAUM. On the other hand, I think Members on the floor want to meet the King of Jordan. I wonder whether or not the majority leader would not see fit to bring the matter to a vote immediately after the meeting with the King of Jordan concludes.

Mr. PACKWOOD. Mr. President, will the Senator yield?

Mr. METZENBAUM. I am perfectly willing to do so.

Mr. PACKWOOD. Mr. President, if I may ask—and I am momentarily going to move to table the motion of the Senator—will my good friend be willing to have a final vote on the con-

ference vote right then, or do we need a final rollcall vote on the conference report?

Mr. METZENBAUM. If my motion does not pass—and I doubt that it will—and assuming that the distinguished manager does not make a tabling motion, then I would have no objection to passing the conference committee report without a rollcall vote.

Mr. DOLE. The only thing I was trying to serve was two ends—one is to get people over here so we can meet with the King; second, to pass the conference report because I know all Senators get involved in other matters. But we can do it either way.

Mr. PACKWOOD. Mr. President, I would accept that offer of an up and down vote on the motion to postpone with a gentleman's understanding that at least you and I will not ask for a rollcall vote on the final passage of the conference report. But to accommodate the majority leader, we can get the Senators over here, and let us vote now. They can come vote, and go meet the King.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

Mr. PACKWOOD. Mr. President, will the Senator withhold that for a moment?

I want to make not a factual correction—because my friend from Ohio has accurately reported the facts—but selectively. The Senator from Ohio is talking about a $115 million loss over 3 years in the bill. That is indeed true. The bill changes the law slightly so that there are some additional losses in the first 3 years. However, when you look at 5 years, the figures are as follows: In the first year, a loss of $31 million; $68 million in the second year; in the third year, a $16 million loss; the fourth year has a $35 million gain; the fifth year has a $89 million gain. So that over the 5 years there is a net pickup of $9 million.

So while the figures of my good friend from Ohio about the loss over 3 years are accurate, they do not portray the whole story, and no one should think that in voting for this bill they are voting for a revenue loss.

I would be prepared to vote now on the motion to postpone if the Senator from Ohio is ready.

Mr. METZENBAUM. I suggested to the majority leader, and I do not think he is in a disagreement. I am sorry he left the floor. I suggested that we vote immediately after the meeting with the King. I see he left the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The following proceedings occurred earlier:)

Mr. CHAFEE. I wonder if the Senator will yield for a comment. I do not want to break into his flow but I have some views on this measure myself.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that I may yield at this point to the Senator from Rhode Island for his remarks with the understanding that in the CONGRESSIONAL RECORD his remarks will read immediately after my own.

Mr. CHAFEE. I do not want to interfere with the Senator.

Mr. METZENBAUM. I understand.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I commend the Senator from Ohio for his concerns over this measure. They are concerns that I feel as well, and I have explained these concerns to the chairman of the Finance Committee. I was a conferee on this matter and had deep concerns over it. Indeed, as the Senator from Ohio will remember, I presented an amendment on the floor dealing with the so-called life care provisions, and I felt very strong about that. As for the other provisions, namely, the imputed interest measures for seller financing which were reported out of the Senate Finance Committee, I did not oppose them. However I did have concerns over the life care provisions, which I tried to strike on the floor, and I wanted to raise those concerns at the conference. Well, as the Senator from Ohio and the distinguished chairman of the committee pointed out, we did not have a conference. There never was a conference, and that is why I refused to sign the conference report.

This may be a customary procedure around here, and I am not going to gainsay that. However, I have been here 10 years and have been named to many conferences. In my experience the conferees have actually met; or, if the conferees have not met, at least I have known that the parties were talking back and forth and something was going on. Unfortunately, that was not the case here. I was never alerted.

I presume the chairmen of the two committees were talking back and forth, and I regret deeply that I did not have a chance to explain my views to the House Members. My views may not have prevailed, but at least I would have received a great deal of satisfaction from addressing these matters, about which I felt deeply.

It is not just some whim. We have a letter here addressed to the leader of the Senate, Senator DOLE, by the Assistant Secretary of the Treasury for Tax Policy—namely, Mr. Ronald A. Pearlman—dated June 25, in which he discusses the matter of the so-called life care facilities.

I am not going to debate the whole matter here again. However, I find it inconsistent that when we are in the middle of tax reform that is meant to be reducing preferences, not giving somebody a break at the expense of others, we launch into a wholly new matter, a wholly new preference.

So, first, I should like to register my disappointment that the conference did not occur; that I, as one of the conferees, was not posted in any fashion by the staff as to what was taking place, as to what was being bartered back and forth, if you will, or as to what the hard line positions of the House were.

I am not familiar with where this $25 million limitation came from, but that is way beyond anything we considered in the Finance Committee.

As the life care matter: I just want to say once again to my colleagues that what we have done here, and what the conference has agreed to, is to give a very special privilege to those wealthy enough to have up to $90,000 to hand over to a life care facility—not a nursing home, because that does not qualify—that the Marriott Corp., will be setting up to take care of this special group. This special group will have, in effect, pretax income spent to care for them.

The concept here is that two parties, side by side, sell their homes, and they each end up with $90,000. One elderly lady puts it in the bank and goes to live with her daughter. The interest income on $90,000 in the bank will be taxed—no question about that—and the widow will live on the after-tax proceeds of that $90,000. Another elderly lady goes to one of these life care facilities and puts down $90,000. The interest on that money is not taxed. The interest which goes to pay for her care is tax-free. This person receives the care, paid for with the pretax proceeds of $90,000.

This is an extremely unfair provision which has just sailed through. I wonder whether the Members of the House really knew. I can only ask the chairman of the Finance Committee. Were there conversations back and forth, to which the rest of us were not privy? Maybe the other members of the conference committee were privy, but I certainly was not. I never knew a conference was going on. Whether the Members of the House knew what was taking place, I do not know.

That is my view of this conference report. I do not know whether the distinguished Senator from Ohio plans a rollcall vote or a voice vote on this conference report, but if it is a voice vote, I certainly want the Chair to register that I voted "no."

Mr. METZENBAUM. I say to my colleague that there will be a rollcall vote. I am not prepared to offer the motion at this moment, but I will

make a motion at an appropriate time in connection with the pending matter, and I hope that at that time he will see fit to support it.

Mr. President, I see the Senator from Montana on the floor. I ask unanimous consent that the Senator from Montana may be heard at this point, with the understanding that his remarks will follow the remarks of the Senator from Rhode Island in the RECORD and that the remarks of the Senator from Ohio will read as a continuous statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MELCHER. Mr. President, I thank the Senator from Ohio for his generosity in allowing me to make a very brief statement.

The Senator from Ohio has described how an amendment that was adopted by the Senate was dropped in conference. I want to add that an amendment I offered and that Senator DURENBERGER offered was also dropped in conference, and something else was rearranged by the conferees.

Nevertheless, I am glad that we are at last addressing corrections on imputed interest, because they have been a burr under the saddle of taxpayers who have been stuck by this gimmick, devised principally by the Treasury Department, with some cooperation, unfortunately, from Congress.

What we have done in the bill and still retained, despite some disagreements we might have with the conference report, is basically to rectify some very outrageous situations in which ordinary small businessmen, farmers, ranchers, or homeowners selling their property were told what the interest rates would have to be.

I would not quarrel with the argument that has been advanced by my friend from Ohio on what the joint committee speculates what the passage of this bill will cost the Treasury, because I know that is about what the joint committee people have come up with over the 4 years—$100 million, $25 million a year. But I must repeat that it is speculative.

What the joint committee uses is information they receive from the Treasury Department, which, if not tainted, is at least prejudiced. The Treasury Department and the IRS have consistently said, year in and year out for the past 7 or 8 years, that if you do not have imputed interest, somebody is going to get away with some dough on Uncle Sam with respect to income taxes. But the fact is that in many instances in which they sold property, citizens were denied the right of ordinary people selling that property to a willing buyer on the basis of an agreed interest rate, only to find that the IRS was telling them, "If you haven't charged this rate of interest, at such-and-such a level, we're going to impute it; and the income you get from it will be subject to taxation," which ended many legitimate transactions.

Congress at last has rectified this situation. While it is not perfect, it is about 10 yards ahead up in the air of what we had before, and 36 feet ascendency is not too bad around here, when we approve something in the public interest, and we have done that.

(Conclusion of earlier proceedings.)

## ORDER FOR RECESS

Mr. DOLE. Mr. President, in order to accommodate Senators so they may be able to attend the meeting with King Hussein, I am going to move in a moment that we recess until 5 o'clock. That will give us time to conduct our meeting with King Hussein, and also then at 5 o'clock there would be a vote.

Mr. PACKWOOD. We will vote up-and-down on the motion of the Senator from Ohio to postpone.

Mr. DOLE. That is correct.

So I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

### RECESS UNTIL 5 P.M.

Mr. DOLE. Let me urge before we recess that all Senators please come to S-207. Our meeting will start within 5 minutes.

Therefore, I move, in accordance with the order just entered, that the Senate stand in recess until 5 p.m.

Thereupon, at 4:06 p.m., the Senate recessed until 5:02 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. MATTINGLY].

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from Georgia, suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the motion of the Senator from Ohio to postpone consideration of the imputed interest conference report until October 10, 1985. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. EAST] and the Senator from Utah [Mr. HATCH] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 7, nays 91, as follows:

[Rollcall Vote No. 199 Leg.]

YEAS—7

| | | |
|---|---|---|
| Chafee | Pell | Stennis |
| DeConcini | Proxmire | |
| Metzenbaum | Simon | |

NAYS—91

| | | |
|---|---|---|
| Abdnor | Goldwater | McConnell |
| Andrews | Gore | Melcher |
| Armstrong | Gorton | Mitchell |
| Baucus | Gramm | Moynihan |
| Bentsen | Grassley | Murkowski |
| Biden | Harkin | Nickles |
| Bingaman | Hart | Nunn |
| Boren | Hatfield | Packwood |
| Boschwitz | Hawkins | Pressler |
| Bradley | Hecht | Pryor |
| Bumpers | Heflin | Quayle |
| Burdick | Heinz | Riegle |
| Byrd | Helms | Rockefeller |
| Chiles | Hollings | Roth |
| Cochran | Humphrey | Rudman |
| Cohen | Inouye | Sarbanes |
| Cranston | Johnston | Sasser |
| D'Amato | Kassebaum | Simpson |
| Danforth | Kasten | Specter |
| Denton | Kennedy | Stafford |
| Dixon | Kerry | Stevens |
| Dodd | Lautenberg | Symms |
| Dole | Laxalt | Thurmond |
| Domenici | Leahy | Trible |
| Durenberger | Levin | Wallop |
| Eagleton | Long | Warner |
| Evans | Lugar | Weicker |
| Exon | Mathias | Wilson |
| Ford | Matsunaga | Zorinsky |
| Garn | Mattingly | |
| Glenn | McClure | |

NOT VOTING—2

| | |
|---|---|
| East | Hatch |

So the motion to postpone consideration of the imputed interest conference report until October 10, 1985, was rejected.

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURENBERGER. Mr. President, I commend the distinguished majority leader for bringing the conference report on H.R. 2475 to the floor.

This legislation which clarifies the rules on imputed interest is desperately needed. I and a number of other Senators have been working for over a year now to find a simple, effective solution to the imputed interest problem.

The temporary relief measure that we enacted expired on July 1, 1985, resulting in uncertainty for the people who need seller-financing in order to sell their farms, homes, and small businesses.

Uncertainty as to the state of the law caused confusion and transactions were impeded or postponed because sellers and buyers did not want to go forward and risk running afoul of the law.

We need to pass this conference report today. My colleagues are all

very familiar with this issue. We have discussed it at length on the Senate floor several times over the course of the past year. The result of these efforts is a good report.

The conference report sets up a clear, simple effective test, so that people who need to use seller-financing can avoid the IRS interjecting itself and imputing interest to a transaction. Where the amount of seller-financing does not exceed $2,800,000, the imputed interest rate may not exceed 9 percent. Where the amount of seller-financing is greater than $2,800,000, the imputed interest rate is 100 percent of AFR. An imputed interest rate of 100 percent of the AFR, however, applies to sale-leaseback transactions.

This simple bright line test is a significant step forward from earlier proposals. It is the result of continued refinement of the concept I introduced last year in S. 3032 and this Congress as S. 251, and long hours by many who have been involved with this issue.

It is a good solution, because it is easy for those who need seller-financing to figure out what interest rate to use in their contracts, yet it prevents the serious abuses that the Treasury Department and others were concerned about

I want to thank the distinguished chairman of the Finance Committee, Senator PACKWOOD, for his efforts on this issue, and I commend Senator SYMMS, Senator MELCHER, and other distinguished colleagues who have taken a leadership role in helping correct this serious problem.

I have been actively involved in trying to achieve a solution during the year that Congress has been wrestling with the issue, and I must say I am happy that we can finally put this behind us by passing this permanent simplification of the imputed interest rules.

I urge my colleagues to support it.

Mr. PRYOR. Mr. President, today the Senate is finally correcting a mistake made in the Deficit Reduction Act of 1984 dealing with imputed interest. I'm pleased we're finally taking this step by adopting the conference report, and I hope we close this chapter of the book once and for all.

Very briefly, Mr. President, I would like to review the history of the provision we're now correcting.

The rules in the Tax Code dealing with imputed interest were put in the law in the late 1960's when it came to light that some tax shelters were being operated by taking advantage of an inflation of basis—resulting in larger depreciation deductions—to the buyer, and a conversion of ordinary income to capital gain for the seller, when an adequate rate of interest wasn't stated in the lending agreement. In order to deal with this, section 483 was put into the law, and under that section prior to last year's changes, if the debt instrument carried an interest rate of 9 percent simple interest, the higher imputed rate of 10 percent didn't apply. These were rules everybody could live with.

Last year, at the urging of the Treasury Department, changes were made in section 483—and also the so-called original issue discount rules—to increase the rate of interest, and for the first time, tie the rate to what was called the applicable Federal rate. The new rate was purported to represent market conditions.

The problem, Mr. President, was that the rates were set too high, and more importantly, there were not sufficient exemptions from the new rules so that virtually all lending transactions came within them, whether they were motivated by tax considerations or involved something like selling the family farm.

Very quickly we started the effort to modify these new rules, which were very harsh. I cosponsored a bill to repeal them entirely and go back to section 483 as it existed prior to last year's amendments. However, ultimately both the House and Senate passed bills allowing certain small transactions—generally involving seller financing below a certain level—to use the old rules. This occurred only after stopgap legislation, enacted late last year was extended through July 1, 1985.

Since July 1, Mr. President, no one has known what the rules are. The conference report was adopted by the House on August 1, 1985, and now, on October 1, 1985, we're considering the bill.

The conference report should be adopted. It provides for a safe harbor of $2.8 million in seller financing, so that if the level doesn't exceed that figure you can use the lower of 9 percent or 100 percent of the applicable Federal rate. Further, for transactions where this can't be used the conference report is an improvement in that there is no penalty rate. Finally, there is a provision that will index the $2.8 million threshold after 1989.

Mr. President, as I've stated before, the Congress should act to stop tax shelters and transactions that have no motivation other than tax benefits. But, when people are trying to buy and sell farms, commercial and residential buildings, and other properties, the interests of the Federal Treasury pales in comparison to the need of individuals and businesses to undertake legitimate, nontax motivated transactions, without having to jump a complex and unreasonable set of tax hurdles.

I urge the adoption of the conference report and I hope it can be signed into law very promptly.

Mr. HEINZ. Mr. President, The continuing care legislation requires that substantially all facilities which are used to provide services which are required to be provided under a continuing care contract must be owned or operated by the same sponsor. Currently there are facilities that provide the long-term care by contracting out the nursing home care to an unrelated nursing home. Suppose these facilities entered into a contract with unrelated nursing facilities under which the sponsor of the facility will, along with the owner or operator of the nursing facility, have as much substantial management control over the beds in the unrelated nursing facility as if the beds were owned by the continuing care facility. Would this meet the requirement of the owned and operated? Mr. Chairman, I understand that in your view such an arrangement would qualify under the statute.

Mr. PACKWOOD. That is correct. I assume that the sponsor of the continuing care facility would actually be making some of the day-to-day decisions regarding the operation of the nursing home; for example, those relating to the provision of meals, nursing care, and other services that relate to the care of the sponsor's patients.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. PACKWOOD. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DURENBERGER). Without objection, it is so ordered.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

## DEFERRAL OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 82

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on the

Budget, the Committee on Appropriations, the Committee on Foreign Relations, and the Committee on Labor and Human Resources:

*To the Congress of the United States:*

In accordance with the Impoundment Control Act of 1974, I herewith report two new deferrals of budget authority for 1985 totaling $10,438,657 and two revised deferrals now totaling $1,433,548,866. The deferrals affect accounts in Funds Appropriated to the President and the Departments of Health and Human Services and State.

The details of these deferrals are contained in the attached report.

RONALD REAGAN.

THE WHITE HOUSE, *October 1, 1985.*

## DEFERRAL OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 83

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on the Budget, the Committee on Appropriations, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Armed Services, the Committee on Energy and Natural Resources, the Committee on Labor and Human Resources, the Committee on the Judiciary, the Committee on Governmental Affairs, and the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

In accordance with the Impoundment Control Act of 1974, I herewith report 23 new deferrals of budget authority for 1986 totaling $1,628,765,311. The deferrals affect accounts in Funds Appropriated to the President, the Departments of Agriculture, Defense-Military, Defense-Civil, Energy, Health and Human Services, Justice, and State, the Pennsylvania Avenue Development Corporation, and the Railroad Retirement Board.

The details of these deferrals are contained in the attached report.

RONALD REAGAN.

THE WHITE HOUSE, *October 1, 1985.*

## EXECUTIVE ORDER PROHIBITING THE IMPORT OF SOUTH AFRICAN KRUGERRANDS—MESSAGE FROM THE PRESIDENT—PM 84

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying paper; which was referred to the Committee on Banking, Housing, and Urban Affairs.

*To the Congress of the United States:*

On September 9, 1985, I informed the Congress pursuant to Section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b), that I had exercised my statutory authority to prohibit certain transactions involving South Africa (Executive Order No. 12532). I also informed the Congress that the Executive Order directed the Secretary of State and the United States Trade Representative to consult with other parties to the General Agreement on Tariffs and Trade with a view toward adopting a prohibition on the import of Krugerrands.

In order to deal with the unusual and extraordinary threat to the foreign policy and economy of the United States referred to in Executive Order No. 12532, and in view of the continuing nature of that emergency, and in view of the successful completion of those consultations, I have issued an Executive order, a copy of which is attached, exercising my statutory authority to prohibit such imports effective October 11, 1985.

All of the measures I have adopted against South Africa are directed at apartheid and the South African Government, and not against the people of that country or its economy. The Krugerrand measure ordered was taken in recognition of the fact that Krugerrand is perceived in the Congress as an important symbol of apartheid. This view is widely shared by the U.S. public. I am directing this prohibition in recognition of these public and congressional sentiments.

RONALD REAGAN.

THE WHITE HOUSE, *October 1, 1985.*

## EXTENSION OF GOVERNING INTERNATIONAL FISHERY AGREEMENT BETWEEN THE UNITED STATES AND THE SOVIET UNION—MESSAGE FROM THE PRESIDENT—PM 85

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to PL 94-265 was referred jointly to the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations:

*To the Congress of the United States:*

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (the Act) (16 U.S.C. 1801 et seq.), I transmit herewith an exchange of Diplomatic Notes, together with the present agreement, extending the Governing International Fishery Agreement between the United States and the Union of Soviet Socialist Republics, signed at Washington on November 26, 1976, until December 31, 1986. The exchange of notes, together with the present agreement, constitutes a Governing International Fishery Agreement within the requirements of Section 201(c) of the Act.

In order to prevent the interruption of joint fishery arrangements between the United States and the Union of Soviet Socialist Republics when the current agreement expires on December 31, I urge that the Congress give favorable consideration to this extension at an early date.

RONALD REAGAN.

THE WHITE HOUSE, *October 1, 1985.*

## MESSAGES FROM THE HOUSE RECEIVED DURING THE RECESS

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on September 30, 1985, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bill:

H.R. 3452. An act to extend for 45 days the application of tobacco excise taxes, trade adjustment assistance, certain medicare reimbursement provisions, and borrowing authority under the railroad unemployment insurance program.

Under the authority of the order of the Senate of January 30, 1985, the enrolled bill was signed on September 30, 1985, during the recess of the Senate, by the President pro tempore [Mr. THURMOND].

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on October 1, 1985, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bill:

H.R. 3454. An act to extend temporarily certain provisions of law.

Under the authority of the order of the Senate of January 3, 1985, the enrolled bill was signed on October 1, 1985, during the recess of the Senate by the President pro tempore [Mr. THURMOND].

## MESSAGE FROM THE HOUSE

At 6:24 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2959) making appropriations for energy and water development for the fiscal year ending September 30, 1986, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. BEVILL, Mrs. BOGGS, Mr. CHAPPELL, Mr. FAZIO, Mr. WATKINS, Mr. BONER of Tennessee, Mr. WHITTEN, Mr. MYERS of Indiana, Mrs. SMITH of Nebraska,

Mr. RUDD, and Mr. CONTE as managers of the conference on the part of the House.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate.

H.R. 1963. An act to increase the development ceiling at Allegheny Portage Railroad National Historic Site and Johnstown Flood National Memorial in Pennsylvania, and for other purposes, and to provide for the preservation and interpretation of the Johnstown Flood Museum in the Cambria County Library Building, PA; and

H.R. 3384. An act to amend title 5, United States Code, to expand the class of individuals eligible for refunds or other returns of contributions from contingency reserves in the Employees Health Benefits Fund; to make miscellaneous amendments relating to the Civil Service Retirement System and the Federal Employees Health Benefits Program, and for other purposes.

## MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated.

H.R. 1963. An act to increase the development ceiling at Allegheny Portage Railroad National Historic Site and Johnstown Flood National Memorial in Pennsylvania, and for other purposes, and to provide for the preservation and interpretation of the Johnstown Flood Museum in the Cambria County Library Building, PA; to the Committee on Energy and Natural Resources.

H.R. 3384. An act to amend title 5, United States Code, to expand the class of individuals eligible for refunds or other returns of contributions from contingency reserves in the Employees Health Benefits Fund; to make miscellaneous amendments relating to the Civil Service Retirement System and the Federal Employees Health Benefits Program, and for other purposes; to the Committee on Governmental Affairs.

## MEASURE PLACED ON THE CALENDAR

The Committee on the Foreign Relations was discharged from the further consideration of the following joint resolution; which was placed on the calendar:

S.J. Res. 179. Joint resolution requesting the President of the United States to resume negotiations with the Soviet Union for a verifiable comprehensive test ban treaty.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1801. A communication from the Deputy Assistant Secretary of the Army (Programs and Commercial Activities), transmitting, pursuant to law, a report on the conversion of the Commissary shelf stocking function at Sierra Army Depot, CA, to performance by contractor; to the Committee on Armed Services.

EC-1802. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on the rescission of certain budget authority; pursuant to the order of January 30, 1975, referred jointly to the Committee on the Budget and the Committee on Appropriations.

EC-1803. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to grant subpoena authority to the Secretary of Commerce for administrative hearings conducted by the National Oceanic and Atmospheric Administration of the U.S. Department of Commerce, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-1804. A communication from the Director of the National Science Foundation, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-1805. A communication from the Secretary to the Council of the District of Columbia, transmitting, pursuant to law, a copy of Council Resolution 6-284 adopted on September 10, 1985; to the Committee on Governmental Affairs.

EC-1806. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Rescission of Report entitled 'Outstanding Liens Against Samuel C. Jackson Plaza Project Parcels' "; to the Committee on Governmental Affairs.

EC-1807. A communication from the Administrator of General Services, transmitting, pursuant to law, a report on the cost of travel and operating of privately owned vehicles to Government employees while engaged on official business; to the Committee on Governmental Affairs.

EC-1808. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to amend title 5, United States Code, to change the position of the Director of the Census Bureau to Level IV from Level V in the Executive Schedule; to the Committee on Governmental Affairs.

EC-1809. A communication from the President of the National Safety Council, transmitting, pursuant to law, the audit report of the Council for the fiscal year ended June 30, 1985; to the Committee on the Judiciary.

EC-1810. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "1983 Payment-in-Kind Program Overview: Its Design, Impact, and Cost"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1811. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on a foreign military assistance sale to the Netherlands; to the Committee on Armed Services.

EC-1812. A communication from the Deputy Assistant Secretary of the Air Force, transmitting, pursuant to law, a report on the decision to convert the grounds maintenance function at Pease AFB, NH, to performance under contract; to the Committee on Armed Services.

EC-1813. A communication from the Deputy Assistant Secretary of the Air Force, transmitting, pursuant to law, a report on the decision to convert the protective coating function at Andrews AFB, MD, to performance under contract; to the Committee on Armed Services.

EC-1814. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on a foreign military assistance sale to the People's Republic of China; to the Committee on Armed Services.

EC-1815. A communication from the Assistant Secretary of the Army transmitting a draft of proposed legislation to repeal requirements that each member of the National Guard receive a physical exam when called into, and when mustered out of, Federal service; to the Committee on Armed Services.

EC-1816. A communication from the President and Chairman of the Export-Import Bank of the United States transmitting, pursuant to law, a report on bank transactions with Communist countries during July 1985; to the Committee on Banking, Housing, and Urban Affairs.

EC-1817. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on studies evaluating the Medicaid Home and Community-based Care Waiver Program; to the Committee on Finance.

EC-1818. A communication from the Under Secretary of State transmitting, pursuant to law, a confidential report on the plans for implementation of travel controls on certain United Nations Secretariat employees; to the Committee on Foreign Relations.

EC-1819. A communication from the Assistant Secretary of State transmitting a draft of proposed legislation entitled "The Central American Counterterrorism Act of 1985"; to the Committee on Foreign Relations.

EC-1820. A communication from the D.C. Auditor transmitting, pursuant to law, a report on the UDC President's Representation Fund for fiscal year 1984; to the Committee on Governmental Affairs.

EC-1821. A communication from the Secretary of Education transmitting, pursuant to law, final regulations for miscellaneous amendments to the Rehabilitation Act of 1973, as amended; to the Committee on Labor and Human Resources.

EC-1822. A communication from the Vice Chairman of the National Council on Educational Research transmitting, pursuant to law, the eighth annual report of the Council for fiscal year 1983; to the Committee on Labor and Human Resources.

EC-1823. A communication from the Chief Immigration Judge, U.S. Department of Justice, transmitting, pursuant to law, a report on certain suspensions of deportation under sections 224(a) (1) and (2) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-1824. A communication from the Governor of the Farm Credit Administration transmitting, pursuant to law, the annual report of the Administration for 1984; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1825. A communication from the Assistant Secretary of the Navy transmitting, pursuant to law, a report on the decision to convert base operations functions at the Naval Air Station, Barbers Point, HI, to performance under contract; to the Committee on Armed Services.

EC-1826. A communication from the Secretary of the Housing and Urban Development transmitting, pursuant to law, the fiscal year 1985 report on the Rental Rehabilitation Program; to the Committee on Banking, Housing, and Urban Affairs.

EC-1827. A communication from the General Counsel of the Department of Energy transmitting, pursuant to law, notice of a

meeting of the International Energy Program on October 9, 1985; to the Committee on Energy and Natural Resources.

EC-1828. A communication from the D.C. Auditor transmitting, pursuant to law, a report reviewing the Marshal Heights Street Improvement Program; to the Committee on Governmental Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LUGAR, from the Committee on Foreign Relations, with an amendment, and amendments to the preamble:

S. Res. 68. A resolution congratulating the people of Cyprus on the twenty-fifth anniversary of their independence, and supporting the establishment of a Cyprus Cooperative Development Fund to foster improved intercommunal relations on Cyprus.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LUGAR, from the Committee on Foreign Relations:

Patricia Mary Byrne, of Ohio, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Deputy Representative of the United States of America in the Security Council of the United Nations, with the rank of Ambassador.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Patricia M. Byrne.

Post: U.S. Mission to the United Nations.

Contributions, amount, date, and donee.

1. Self: None.

2. Spouse: Not applicable.

3. Children and spouses names: Not applicable.

4. Parents names: Edward F. Byrne (deceased); Mary K. Byrne (deceased).

5. Grandparents names: William P. Byrne (deceased); Elizabeth B. Byrne (deceased); Mr. and Mrs. (FNU) Kreutzer (deceased).

6. Brothers and spouses names: Not applicable.

7. Sisters and spouses names: Eileen Byrne Rubin, none; Dr. Mandel Rubin, none.

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Winston Lord, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of China.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination. 1/1/81 to present.

Nominee: Winston Lord

Post U.S. Ambassador to People's Republic of China

Contributions, amount, date, and donee.

1. Self: $50, 9/84, 1984, Elliot Richardson. $50, 1984, Jay Rockefeller.

3. Children and spouses names: Elizabeth P., none; Winston B., none.

4. Parents names: Mr. O.B. Lord, $200, 1984, Victor Ashe. Mrs. C. Lord (step), $150, 1984, Victor Ashe (Sen, Tenn.).

5. Grandparents names: Deceased.

6. Brothers and spouses names: Mr. and Mrs. Charles P. Lord, $100, 1984, Cong. Thomas Evans (Del.).

7. Sisters and spouses names: None.

Hugh Montgomery, of Virginia, to be the Alternate Representative of the United States of America for Special Political Affairs in the Untied Nations, with the rank of Ambassador, to which position he was appointed during the last recess of the Senate.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Hugh Montgomery.

Post: United Nations.

Contributions, amount, date, and donee.

1. Self: $25.00, 1982, 1984, Cong. Frank Wolf.

2. Spouse: None.

3. Children and spouses names: Hugh Montgomery, Jr., Maria Pauline Montgomery, None.

4. Parents names: J.R. Montgomery, Pauline Parker Montgomery, deceased.

5. Grandparents names: George M. Montgomery, Jennie S. Montgomery, deceased.

6. Brothers and spouses names: J.R. Montgomery, none.

7. Sisters and spouses names: no sisters.

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Herbert Stuart Okun, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be the Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary, to which position he was appointed during the last recess of the Senate.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Herbert Stuart Okun.

Post: Deputy Representative of the United States to the United Nations; Ambassador E. and P.

Contributions, amount, date, and donee.

1. Self: None.

2. Spouse: None.

3. Children and spouses names: Jennifer Okun (no spouse)—none; Elizabeth Okun (no spouse)—none; Alexandra Okun (no spouse)—none.

4. Parents names: Father: Irving J. Okun—died 1956; Mother: Ida Muriel Okun—died 1979.

5. Grandparents names: Harry Levine—died 1913 (ca.); Fanny Levine—died 1942; (FNU) Okun—died 1910 (ca.); Riva Okun—died 1940.

6. Brothers and spouses names: None.

7. Sisters and spouses names: Mrs. Gloria O. Freedgood—None; Mr. Warren M. Freedgood—None; Mrs. Selma O. Schefman—None; Mr. Raymond N. Schefman—None.

(The above nominations from the Committee on Foreign Relations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HATCH:

S. 1715. A bill for the relief of the Precisa Calculating Machine Co., Inc.; to the Committee on the Judiciary.

By Mr. PELL (for himself and Mr. STAFFORD):

S. 1716. A bill to establish an Art Bank; to the Committee on Labor and Human Resources.

By Mr. PRYOR (for himself and Mr. BUMPERS):

S. 1717. A bill to require the Secretary of Defense and the Administrator of the General Services Administration to offer prior owners of real property on which deactivated Titan missile silos are located the right to purchase such property at fair market value; to the Committee on Armed Services.

By Mr. PACKWOOD:

S. 1718. A bill to establish rules for the deductability of business expenses of attending conventions in North America and certain Caribbean countries; to the Committee on Finance.

By Mr. CRANSTON:

S. 1719. A bill to amend the Fair Labor Standards Act of 1938 to permit a State or local government employee to take compensatory time off in lieu of compensation for overtime hours, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HEINZ:

S. 1720. A bill to insure the payment of 1986 of cost-of-living increases under the Social Security Act without regard to the 3 percent threshold requirement; to the Committee on Finance.

By Mr. RIEGLE (for himself and Mr. CRANSTON):

S. 1721. A bill to amend the Social Security Act to provide for improved procedures with respect to disability determinations and continuing disability reviews and to modify the program for providing rehabilitation services to individuals determined under such act to be under a disability, and for other purposes; to the Committee on Finance.

By Mr. ARMSTRONG (for himself, Mr. BOREN, Mr. SYMMS and Mr. WARNER):

S. 1722. A bill to amend the Internal Revenue Code of 1954 to eliminate the separate mailing requirement for statements relating to interest, dividends, and patronage dividends, and for other purposes; to the Committee on Finance.

By Mr. CHAFEE (for himself, Mr. CHILES, and Mr. MATHIAS):

S. 1723. A bill to establish pilot programs to develop methods for parents of children between the ages of two and eight, who may be emotionally at risk, to enroll in adult literacy programs in which they will acquire the skills necessary to prepare their children for school and enhance their children's educational achievement through home learning; to the Committee on Labor and Human Resources.

By Mr. BOREN (for himself, and Mr. NICKLES):

S. 1724. A bill to authorize the Cherokee Nation of Oklahoma to design and construct hydroelectric power facilities at W.D. Mayo Lock and Dam; to the Select Committee on Indian Affairs.

By Mr. LAXALT

S. 1725. A bill to authorize a railroad-highway crossing demonstration project in Elko, NV; to the Committee on Environment and Public Works.

By Mr. DOLE (for Mr. LUGAR):

S. 1726. A bill to repeal section 121(b) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83), relating to funding for the Special Defense Acquisition Fund; placed on the calendar.

By Mr. BENTSEN (for himself, Mr. JOHNSTON, Mr. INOUYE, Mr. BURDICK, Mr. NUNN, Mr. HOLLINGS, Mr. MATSUNAGA, Mr. BRADLEY, Mr. LAXALT, Mr. QUAYLE, Mr. MCCLURE, Mr. THURMOND, and Mr. COCHRAN):

S.J. Res. 210. Joint resolution designating the week beginning October 20, 1985 as "Benign Essential Blepharospasm Awareness Week"; to the Committee on the Judiciary.

By Mr. DURENBERGER:

S.J. Res. 211. Joint resolution to provide for the designation of the week of October 6, 1985, as "National Sudden Infant Death Syndrome Awareness Week"; to the Committee on the Judiciary.

By Mr. ARMSTRONG:

S.J. Res. 212. Joint resolution providing for the convening, whenever the legislatures of two additional States pass a resolution to hold such a convention, of a constitutional convention for the purpose of proposing an amendment relating to the balancing of the Federal budget; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself and Mr. BYRD):

S. Res. 236. Resolution to authorize testimony of a Senate employee; considered and agreed to.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH:

S. 1715. A bill for the relief of the Precisa Calculating Machine Co., Inc.; to the Committee on the Judiciary.

RELIEF OF PRECISA CALCULATING MACHINE CO., INC.

Mr. HATCH. Mr. President, today I am introducing legislation for the relief of the Precisa Calculating Machine Co., Inc., on behalf of my constituent, Mr. Eugene Wagner. The legislation directs the Secretary of the Treasury to pay the sum of $802,796 in full satisfaction of its claims for the losses sustained, expenses incurred, and damages suffered as a result of the seizure of the property of the corporation by the Internal Revenue Service resulting in the ultimate destruction of the company's business.

Legislation at this time is the only way Mr. Wagner may expect to receive any compensation for the inappropriate actions of the IRS between the period of 1954 and 1960. The Internal Revenue Service entered the picture in the fall of 1957 and on their own initiative unilaterally and arbitrarily decided that, during the audit period of 1954 through 1956, they would divide the profitable portion of the company, namely the orthopedic segment which was profitable, from the office equipment segment which had substantial losses, thereby disallowing the offset of most of the business losses against the greatest portion of business income. The result, of course, was a substantial tax deficiency.

During the time Mr. Wagner was seeking administrative relief and was appealing the assessments of the IRS in the U.S. Tax Court for the tax period of 1954, 1955, and 1956, the IRS in January 1958 imposed jeopardy assessments against the corporation and its assets as well as against Mr. Wagner's personal assets. On June 10, 1959, the Service auctioned off some property being held on the premises of the corporation but not actually belonging to the corporation. In April 1960 the Service again held a public auction to sell assets of the corporation and again sold assets belonging to other parties as well as corporate assets. The case was still pending in the U.S. Tax Court when this latter auction took place. In May 1961, the U.S. Tax Court upheld the corportion's position and found no tax due. By that time, the IRS had effectively seized the assets of the Precisa Calculating Machine Co., and Mr. Wagner's personal assets causing complete destruction of the company.

The Senate Committee on the Judiciary has been requested to examine the merits of this legislative proposal as it pertains to the injustice done to this particular U.S. citizen taxpayer. The legislation is similar to the bill introduced by former Senator Wallace Bennett on June 6, 1974.

By Mr. PELL (for himself and Mr. STAFFORD):

S. 1716. A bill to establish an Art Bank; to the Committee on Labor and Human Resources.

NATIONAL ART BANK ACT

● Mr. PELL. Mr. President, today I am again submitting legislation to establish a National Art Bank.

The purpose of the Art Bank is twofold. First it will beautify public spaces by making works of art available for display and second, it will assist American artists through its ability to purchase their work.

I firmly believe that our Government's efforts to support the arts and our artists in particular could be complemented and strengthened through the creation and development of a National Art Bank.

The bill that I am reintroducing today would establish such an Art Bank within the National Endowment for the Arts. The Bank would be headed by a Director, who would be appointed by the Chairman of the Endowment and who would report directly to the Chairman with respect to the activities of the Art Bank.

The Director of the Art Bank would be responsible for appointing ad hoc juries of artists and recognized professionals who are respected in the artistic community to view and judge artwork submitted by artists and galleries. Visits to artists' studios and art galleries by the juries might also be necessary from time to time, but the judging and selection process would be carried out primarily in Washington. With the assistance and guidance of these juries, the Director would select works of art by American artists and purchase them at fair market value. The foremost criterion for selection of art would be the quality of the work.

The Director would also require those artists who receive visual artists fellowships from the National Endowment for the Arts to donate one of their own workers to the Art Bank. This work can be of the artists' own choosing.

These works together would constitute the Art Bank collection and would be made available to public and private facilities for display.

All Federal facilities could borrow works from the Art Bank. The General Services Administration would supervise loans to executive departments and agencies. The Architect of the Capitol would supervise loans to the Congress, and the Director of the Administrative Office of the U.S. Courts would supervise loans to Federal court buildings and facilities. Museums could also receive works on loan and free of charge from the Art Bank.

The Art Bank Director would be encouraged to sponsor exhibitions of Art Bank holdings, and to help State and local governments and nonprofit institutions set up their own art banks.

Public auctions could be held from time to time in order to reduce longstanding inventories and to allow regular renewal of the Art Bank collection. Through such sales, as well as rental fees, the Art Bank would be able to recover a substantial part of the Federal investment in it.

The bill provides for a 3-year authorization of $1.5 million in fiscal year 1987, $2 million in fiscal year 1988, and $3 million in fiscal year 1989. Not more than $200,000 each year could be used for the cost of administering the program.

Mr. President, I believe that the establishment of a National Art Bank within the National Endowment for the Arts would be a most effective way at modest cost to assist the artists in our country. Ours is a Nation with many fine professional artists who do not find adequate support or opportunities for exhibition before the public. Yet the work of these often overlooked Americans constitutes one of the most precious assets that we are able to pass from one generation to the next.

If the purpose of a government of the people, by the people, and for the people, is to foster the fullest realization of all the human qualities of its citizens, then that government must clearly nurture the arts. John Adams said:

> I must study politics and war, that my sons may have the liberty to study mathematics and philosophy . . . to give their children the right to study painting, poetry, and music.

During a recession period, artists are just as vulnerable to the economic downturn as are steel workers and autoworkers. Artists in fact were assisted during the 1930's by the Government's Works Projects Administration. They were sustained and nurtured and were able to keep right on working through the Depression. This momentum ultimately produced the uniquely American abstract expressionist style in the 1950's. Whatever the original goal may have been for the WPA, it turned out to have a very beneficial influence on the arts in this country.

The Art Bank would bring our artists today, not only the reward and recoginition they deserve, but also the means for exposure. Art is not art unless it is seen. The Art Bank will become the vehicle by which high quality art will be brought into the daily lives of large numbers of American citizens. It will serve as the intermediary, the agency to select the art and then to arrange its presentation to the public.

Even with the cost limitations set forth in my bill, it will be possible to inaugurate this special program by informing artists across the country about the Art Bank, by bringing their work before a large cross-section of the American public and by enhancing the everyday environment of millions of people. The public facilities within which the Art Bank collection can be displayed will become lively attractive places and our Federal Government will be providing crucial support for our working American artists.

I have received many constructive and positive comments on this proposal. I would hope that my colleagues and the administration as well as artists, art dealers, and the general public would continue this dialog in the hopes of developing a vital and useful National Art Bank.●

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By Mr. PRYOR (for himself and Mr. BUMPERS):

S. 1717. A bill to require the Secretary of Defense and the Administrator of the General Services Administration to offer prior owners of real property on which deactivated Titan missile silos are located the right to purchase such property at fair market value; to the Committee on Armed Services.

OFFERING DEACTIVATED MISSILE SITES FOR PURCHASE BY PRIOR OWNERS

● Mr. PRYOR. Mr. President, today I'm introducing legislation that will authorize the Federal Government—through the Defense Department and the General Services Administration—to offer land that now contains Titan missiles to the previous owners at a fair market value. I'm pleased that my colleague from Arkansas, Mr. BUMPERS, is joining me in introducing this measure.

Mr. President, about 25 years ago the Federal Government, through its power of eminent domain, condemned certain lands in three States—Arkansas, Arizona, and Kansas—so that silos for Titan missiles could be built for our defense. In Arkansas, 18 such sites were selected in rural areas of our State. At the time they were taken by the Federal Government, most of these parcels were owned by small farmers for growing certain crops, or allowing beef and dairy cattle to graze. In most of those instances, the individuals who owned the land at the time it was taken have continued to farm the land.

Currently, Mr. President, the Titan missiles are being deactivated. The missiles in Arkansas are scheduled to be completely deactivated by 1987. A logical question is what will happen to this property once the deactivation process is completed? Under present law, the land would probably be declared "surplus" property and then offered to other agencies of the Federal Government, and then maybe the individual States involved. This seems wrong to me in this particular situation, Mr. President, since this land is no longer needed, it is located in mostly rural areas, and also, since the individuals who owned it some 25 years ago are still living close by and earning a living off the land. It seems only fair to give these original landowners—or their heirs or estates—the opportunity to buy this land back at the present fair market value.

Mr. President, the Federal Government will have no more use for the land. For this reason, there is no reason for the surplus property laws to apply. Further, since the bill we're introducing provides for the sale to be at the fair market price, it makes good sense for the Federal Government.

Mr. President, I hope the appropriate Senate committee will hold hearings on this measure, and I sincerely hope that we can promptly enact this measure. It is equitable, it makes good economic sense, and it will allow these men and women to use land that was formerly their property in their farming operations.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1717

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) notwithstanding any other provision of law, as soon as practicable after the deactivation of any Titan missile silo, the Secretary of Defense and the Administrator of General Services shall offer to sell the real property, together with any improvements thereon, on which such silo is located to the person from whom the United States acquired such property or, in the event such person is not living at the time of the deactivation, to the heirs or estate of such person. The Secretary of Defense and the Administrator of General Services shall—

(1) make such offer to such person (or to the heirs or estate of such person) before—

(A) declaring such property to be excess property or surplus property under the Federal Property and Administrative Services Act of 1949; and

(B) offering such property for sale or lease, or disposing of such property in any other manner, to any person, organization, or entity other than the person from whom the United States acquired such property (or the heirs or estate of such person); and

(2) offer such property for sale to such person (or to the heirs or estate of such person) at a price equal to the fair market value of such property at the time the offer is made.

(b) If a person (or the heirs or estate of a person), accepts an offer made under subsection (a), the Secretary of Defense and the Administrator of General Services shall enter into a contract with such person (or with the heirs or estate of such person) for the sale of the real property. The contract shall provide for the sale of such property at the fair market value, as determined by the Administrator of General Services or, at the request of the purchaser, an independent appraiser designated by both the Administrator and the purchaser. The contract shall contain such other terms and conditions as may be mutually agreed to by the Secretary of Defense, the Administrator of General Services, and such person (or the heirs or estate of such person).●

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By Mr. CRANSTON:

S. 1719. A bill to amend the Fair Labor Standards Act of 1938 to permit a State or local government employee to take compensatory time off in lieu of compensation for overtime hours, and for other purposes; to the Committee on Labor and Human Resources.

STATE OR LOCAL GOVERNMENT EMPLOYEE COMPENSATORY LEAVE

Mr. CRANSTON. Mr. President, today I am introducing legislation to make more flexible the means a State or local government can use to compensate its workers for working overtime under the Fair Labor Standards Act.

My bill would make it legally possible, when agreed upon in advance under a collective-bargaining agreement or individual employment contract, for a State or local government to pay its workers for overtime hours

worked either with overtime pay—as is now the exclusive option—or with compensatory time off.

On February 19, 1985 the U.S. Supreme Court reversed existing law in Garcia versus the San Antonio Metropolitan Transit Authority, deciding that State and local governments were not exempt from the Fair Labor Standards Act minimum wage and overtime pay requirements.

Before the Garcia decision, most State and local governments—especially those employing firefighters and police—compensated their workers who worked overtime by permitting them to take compensatory time off.

The sudden and unexpected application of the Garcia decision created two new problems.

First, because the FLSA currently specifies only overtime pay as compensation for overtime work, State and local governments face unanticipated fiscal demands on their budgets for overtime work.

Second, many public employees actually prefer compensatory time off to overtime pay.

Again, firefighters, police and their employers, because of the unique nature of the employment, are most directly affected. Police must work 43 hours in a single week, and firefighters 53 hours, rather than the standard 40, before overtime requirements apply under the FLSA. Given their unusual shifts, many of these workers have grown accustomed to and prefer compensatory time off. Most other State and local public employees seldom, if ever, are required to work overtime.

The Garcia decision produced a strong outcry from State and local public officials facing new, unanticipated budget costs, to which many in Congress have promptly responded, but in varying ways.

However, Mr. President, I believe some of the proposed responses are Draconian.

I, for one, believe that police officers, firefighters and others in public service should be compensated for their extra work, and that the public agencies that employ them should be required to meet at least minimal labor standards. Merely overturning the Garcia decision, to restore "voluntary" overtime pay, is, in my judgment an antiworker, extreme solution, that discriminates unfairly against public employees.

But Garcia did create an inflexible situation which we need to change.

The bill I am introducing today would alleviate that inflexibility by making clear that State and local governments can, under the Fair Labor Standards Act, offer compensatory time to their workers, in lieu of overtime pay, for overtime hours worked, if comp time has been provided for in the applicable collective bargaining agreements or individual employee contracts.

This would maintain the coverage of public employees under the FLSA, but apply it more flexibly.

It would particulary meet the needs of firefighters and police.

And, it would lessen the budgetary burden on State and local governments by restoring the situation which most of these governments expected to face prior to the Garcia decision, and permit these governments to provide to their workers a preferred option presently barred by the Court decision in Garcia.

This legislation would serve the interests of both employers and workers, as well as the public and taxpayers—by reducing the costs of government. I urge its early adoption.

I ask that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1719

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 7 of the Fair Labor Standards Act of 1938 is amended by adding at the end thereof the following new subsection:

"(o) No State or local government employer shall be deemed to have violated subsection (a) by employing any employee for a workweek in excess of the maximum workweek applicable to such employee under subsection (a) if, pursuant to—

"(1) a contract made between the employer and the employee individually, or

"(2) an agreement made as a result of collective bargaining by representatives of such employees entered into prior to the performance of the work,

the employer at a written request of the employee grants the employee compensatory time off with pay in a subsequent workweek in lieu of payment of the number of hours worked in such current workweek in excess of the maximum workweek applicable to such employee under subsection (a). For purposes of determining the maximum workweek applicable to such employee under subsection (a), and the rate of pay due to the employee, compensatory time used by the employee shall be considered hours actually worked during the workweek in which used.".

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By Mr. HEINZ:

S. 1720. A bill to insure the payment in 1986 of cost-of-living increases under the Social Security Act without regard to the 3-percent threshold requirement; to the Committee on Finance.

SOCIAL SECURITY ACT COLA THRESHOLDS

● Mr. HEINZ. Mr. President, I rise to call the attention of the Senate to the ironic prospect that, despite all of our efforts to the contrary, Social Security beneficiaries may receive no cost-of-living adjustment in 1986. This may surprise those who remember the debate earlier this year on the question of whether to pay the 1986 COLA and who recall that the Congress agreed Social Security beneficiaries should receive the full 1986 COLA. Now that all the furor and controversy has subsided, it appears that the actions of the Congress may be thwarted by a minor, outdated, technical provision in the law that postpones the payment of the COLA when inflation falls below 3 percent.

Mr. President, I am confident no Member of Congress intended that this should happen, and I am sure none of us would want it to happen. For this reason, I am introducing legislation today to eliminate permanently the 3-percent threshold for Social Security COLA's, and ensure that the 1986 Social Security COLA is paid, no matter how low inflation is this year. It is my intention to offer this legislation as an amendment to the deficit reduction bill or some other appropriate bill to ensure that it is enacted in time.

Some of my colleagues may recall that we faced a similar problem at the end of last year and that the Congress enacted legislation to correct it. This is true, but the correction we enacted was for 1 year only—we waived the 3-percent threshold to guarantee that the 1985 COLA would be paid. Now we face again the prospect that the increase in the Consumer Price Index may fall below 3 percent. As of July, the annual increase in the CPI was about 3.5 percent. The latest available data on the CPI suggests that the increase that will be used in determining the COLA will be lower. This week, the Bureau of Labor Statistics announced that the rate of increase in the CPI for the month of August was 0.2 percent—an annual rate of 2.5 percent. In addition, the Producer Price Index, which usually presages change in the CPI, fell by 0.3 percent in August. If the CPI were to decline in September by as little as 0.3 percent, the annual CPI used in determining the COLA would fall below 3 percent.

This administration's success in bringing inflation under control is a great achievement. For 3 years now, young and old alike have enjoyed inflation rates as low as any of us can remember. It is my firm hope that low inflation rates will continue for some time to come. I hope, at the same time however, that we are not going to make an annual event of this last minute scramble to ensure that Social Security COLA's get paid. For this reason, I urge my colleagues to join me in eliminating the 3-percent threshold in the Social Security COLA permanently.

Mr. President, the 3-percent threshold is truly an anachronism. In 1972, when the Congress enacted the automatic annual cost-of-living increase, the 3-percent COLA threshold was included so that the Social Security Administration would not have to go

through the then time consuming and costly business of computing and paying the annual COLA when the amount was small. In the interim, however, Social Security's computer capabilities have greatly improved, and the cost and hassle of posting the annual COLA are no longer what they were then.

In fact, it might surprise my colleagues to learn that eliminating the 3-percent threshold would actually save a little money. Although common-sense would suggest that not paying a COLA in any 1 year would result in savings, in fact the opposite is true. Anytime the COLA is not paid in 1 year, it is deferred and added to the increase for the next year, so that benefits actually catch up the second year. In addition, new retirees in the second year receive a windfall—they have their wage records increased for the first year's inflation, and their benefits increased for both years' inflation in the second year. Finally, the Social Security wage base and the earnings test, the premium paid by beneficiaries under Medicare part B, and SSI benefit levels are all tied to the COLA and are frozen when inflation is below 3 percent. The net effect of freezing benefits and taxes and the resulting windfalls is a small loss to the Social Security trust funds—one that could be avoided by eliminating the 3-percent threshold.

The Office of the Actuary of the Social Security Administration recently provided the chairman of the Finance Committee with a report on the long-term effects of eliminating the 3-percent threshold, as required by last year's legislation. Their conclusion was that the elimination of the threshold, effective December 1986, would save the old age, survivors, and disability insurance trust funds 0.02 percent of taxable payroll over the next 75 years. I ask unanimous consent that excerpts from their August 30 report be included in the RECORD following my statement. In addition, Robert Myers, who is the former Chief Actuary of the Social Security Administration and Executive Director of the National Commission on Social Security Reform and who is widely regarded as the leading expert on these matters, has testified in favor of eliminating the 3-percent threshold. I ask unanimous consent that his testimony last year to the House Ways and Means Committee be included in the RECORD. as well. Finally, I ask that the full text of the bill be printed in the RECORD.

I strongly urge my colleagues to join me in this important piece of legislation, Mr. President, and I encourage its swift consideration and adoption.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1720

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) in determining whether the base quarter ending on September 30, 1985, is a cost-of-living computation quarter for the purpose of the cost-of-living increases under sections 215(i) and 1617 of the Social Security Act—

(1) the phrase "is 3 percent or more" appearing in section 215(i)(1)(B) of such Act shall be deemed to read "is greater than zero"; and

(2) the phrase "exceeds by not less than 3 per centum, such Index" appearing in section 215(i)(1)(B) of such Act as in effect in December 1978 shall be deemed to read "exceeds such Index".

(b) For purposes of section 215(i) of the Social Security Act, the provisions of subsection (a) shall not constitute a "general benefit increase".

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DEPARTMENT OF HEALTH AND HUMAN SERVICES, SOCIAL SECURITY ADMINISTRATION,

*August 30, 1985.*

Hon. BOB PACKWOOD,
*Chairman, Committee on Finance,*
*U.S. Senate,*
*Washington, DC.*

DEAR MR. CHAIRMAN: Enclosed is a report required by Section 2 of Public Law 98-604. That law requires the Office of the Actuary, Social Security Administration, to "conduct a study of improvements which might be made in the application and operation of the cost-of-living adjustment [COLA] provisions in section 215(i) of the Social Security Act . . ." and to submit a full and complete report of the study to your Committee and to the Committee on Ways and Means of the House of Representatives, by September 1, 1985.

In accordance with Public Law 98-604, the study included the following specific areas: (1) the long-term effects of eliminating the "trigger" provision, which requires that the cost of living have increased by at least 3 percent before a COLA can occur, (2) the long-term effects of reducing the trigger percentage from 3 percent to 1 percent, (3) the assumed distribution of future annual changes in the Consumer Price Index (CPI), and (4) an analysis of the periods currently used to measure CPI and wage increases and the long-term effects of changing such periods so as to make the COLA noncumulative for persons who become eligible for benefits in the year following a foregone COLA, or to use different calendar quarters.

Sincerely,

HARRY C. BALLANTYNE,
*Chief Actuary.*

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REPORT OF ACTUARY OFFICE: SOCIAL SECURITY ADMINISTRATION

INTRODUCTION

This report has been prepared as required by section 2 of Public Law 98-604, enacted into law on October 30, 1984. That law requires the Office of the Actuary, Social Security Administration, to "conduct a study of improvements which might be made in the application and operation of the cost-of-living adjustment [COLA] provisions in section 215(i) of the Social Security Act . . ." and to submit a full and complete report of the study to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate, by September 1, 1985. In accordance with Public Law 98-604, the study included the following specific areas: (1) the long-term effects of eliminating the "trigger" provision, which requires that the cost of living have increased by at least 3 percent before a COLA can occur, (2) the long-term effects of reducing the trigger percentage from 3 percent to 1 percent, (3) the assumed distribution of future annual changes in the Consumer Price Index (CPI), and (4) an analysis of the periods currently used to measure CPI and wage increases and the long-term effects of changing such periods so as to make the COLA noncumulative for persons who become eligible for benefits in the year following a forgone COLA, or to use different calendar quarters.

Section I of this study includes a description of the current COLA provisions. Sections II and III include analyses of possible changes in the COLA trigger and the measurement of the increase percentage for the COLA, respectively. Appendix B describes in detail the method used for protecting the distribution of future annual increases in the CPI. Appendix C describes in detail the relative merits of various average-wage indices in the context of the COLA "stabilizer" provision.

I. COLA'S AND RELATED PROVISIONS UNDER PRESENT LAW . . .

*B. COLA trigger*

The requirement that the cost-of-living increase be at least 3 percent before a COLA can be provided is generally known as the COLA trigger. A trigger was included in the law not only to restrain costs, but also to avoid the administrative complexities associated with processing benefit increases of small magnitude. When the original COLA provisions were enacted into law in 1972, the Office of the Actuary was assuming that future inflation would average 2.75 percent annually. The 3-percent trigger level was selected so that automatic COLAs would be provided only if inflation exceeded that average rate. In the mid-1970s, however, the rate of inflation began to rise rapidly, and CPI increases have exceeded the 3-percent trigger in every year since the COLA provisions became effective, in 1975.

In 1984, however, the CPI rose quite slowly, and concern was raised that the 3-percent trigger would not be met.[1] Also, as discussed later, current economic assumptions imply that CPI increases will not exceed the trigger about one-third of the time. The effects of not reaching the trigger on OASDI benefit amounts and program financing are of considerable interest.

Whenever any future increase in the CPI is less than 3.0 percent, there will be several effects, under present law, which can be classified as follows: (1) the direct effects on benefit levels of beneficiaries who (a) are eligible to receive benefits for the December for which no COLA is provided, or (b) become eligible in the following calendar year; (2) the effect on the earnings base; and (3) the effect on the retirement earnings test exempt amounts. These three effects are discussed below.

1. Direct effect on benefit levels

The first and most obvious effect of not having an automatic COLA triggered in a given year is that benefits payable for the 12-month period beginning with December of that year will not be updated to reflect

[1] In fact, the CPI increase did exceed the trigger percentage; the COLA effective for December 1984 was 3.5 percent. This and the 3.5-percent COLA for December 1983 have been the smallest automatic COLAs.

the change in the cost of living for persons who are then eligible for benefits. This lack of updating is temporary, however; the automatic COLA for the following December will use the same prior quarter as a base, thus accumulating the change in the CPI which was temporarily forgone due to the trigger provision. This 2-year CPI increase would generally be sufficient to trigger a COLA for the following year.

The fact that the first automatic COLA after one or more prior COLAs have been forgone is based on the accumulated change in the CPI over more than a 1-year period, however, creates a distortion for persons who first become eligible in the year that the "accumulated" COLA becomes effective. These beneficiaries receive, in their first COLA, an adjustment for changes in the cost of living that occurred not only for the time after initial eligibility, but also for one or more years prior to initial eligibility. The accumulated adjustment for the year(s) prior to initial eligibility is most likely to be positive—up to 2.9 percent—resulting in a larger increase in the benefit level than would be needed to maintain purchasing power. The accumulated adjustment for year(s) prior to initial eligibility could be negative (though rarely), resulting in a smaller increase than would be needed to maintain purchasing power. In both cases, the effect seems to be inconsistent with the purpose of the COLA provisions. This matter is discussed further in subsection II.D.

The financial consequences for the OASDI program of the direct benefit effects described above—forgoing the COLA in the first year and paying inappropriate COLAs to newly eligible beneficiaries in the subsequent year—are in opposite directions and, in the long run, very nearly offset each other. The lower benefit level—than that which would occur in the absence of the trigger provision—for the 12-month period beginning with December for all persons then eligible, results in an immediate, substantial savings to the OASDI program, almost all of which occurs in the first calendar year. The generally higher benefit level for all future months, beginning with the following December for those who become newly eligible during the year following the forgone COLA, results in small annual cost increases which continue for many years into the future. Expressed as percentages of taxable payroll, the 1-year savings and the many years of small additional cost eventually roughly offset each other. Because long-range actuarial estimates are limited to a 75-year valuation period, some of the years with small additional cost resulting from forgone COLAs between 2030 and 2059 will not be included in current long-range estimates. Thus, the long-range estimate does not fully reflect the cost.

2. Effect on earnings base

Section 230(a) of Social Security Act requires that the contribution and benefit base (generally referred to as the earnings base) be increased (based on the change in the average wage) effective with the year following a year in which an automatic COLA becomes effective. (The earnings base cannot be reduced, under present law.) If no automatic COLA becomes effective for December of a year, the law does not provide for any increase in the base for the following year. The next increase in the earnings base will, however, reflect the accumulated increase in the average wage.

The financial impact of delaying the increase in the earnings base for a given year is a significant reduction in the taxable payroll for that year. This is generally only a 1-year effect, however, because the increase in the earnings base for the following year reflects the accumulated change in average wages. The reduction in taxable payroll, and thus, in income to the OASDI program for a year in which the base is not increased, would eventually be partially offset by lower benefit levels for workers who had earnings above the base in that year. These earnings would have been at least partially covered and credited for benefit-computation purposes if the base had been increased. This partial offset would be insignificant for several years because it would not be realized until the affected workers become eligible for benefits. Much of this partial offset would occur after the end of the 75-year long-range period, for years after 2000 in which the base would not be increased. Even if the valuation period were not limited, however, the offset would be only partial because the workers who would be affected—those with high earnings—generally have high benefit levels, with a marginal PIA-formula factor of 15 percent. Thus, relatively little reduction in benefit levels would result from not increasing the base.

3. Effect on retirement earnings test exempt amounts

Section 203(f)(8)(A) of the Social Security Act requires that the exempt amounts for the retirement earnings test be increased (based on the change in the average wage), effective with the year following a year in which an automatic COLA becomes effective. (The exempt amounts cannot be reduced, under present law.) When no automatic COLA becomes effective, the law does not provide for such increase, although as with the earnings base, the next increase in the exempt amounts is cumulative.

The long-range effective on the OASDI program of delaying the increase of the exempt amounts when no COLA is triggered is negligible, for two reasons. First, the number of persons who would receive lower benefits for the year in which the exempt amounts are not increased is relatively small. Second, the reduction in benefit payments for that year would be partially or completely offset by higher benefit payments in later years. These higher benefit payments would be caused by adjustments of actuarial reduction factors and the additional delayed retirement credits that would result from the withholding of more benefits for the year in which the exempt amounts were not increased.

4. Net effect on the OASDI Program

The combined effect of all of the aforementioned implications of the current COLA trigger is a small long-term cost. This is due to the unintended increase in purchasing power that would apply to the benefits for persons who become eligible in the year after a COLA is forgone. As noted above, the cost of those increases roughly offset the savings that occur in the year immediately following the forgone COLA. If this problem were corrected, the trigger provision would result in a small long-term savings.

II. POSSIBLE CHANGES TO THE TRIGGER PROVISION

This section analyzes the possible changes to the trigger provision specifically mentioned in P.L. 98-604.

*B. Effect of eliminating the trigger*

The present COLA provisions allow for only increases in benefits. If the CPI actually declined for a measuring period, this would not affect benefits immediately, but would reduce the subsequent COLA, as described previously. For the purpose of analyzing elimination of the trigger, the procedure for reflecting decreases in the CPI is assumed to remain unchanged, but increases as small as 0.1 percent (after rounding to the nearest one-tenth of 1 percent) would result in a COLA being paid.

Permanent elimination of the trigger, as described above, effective for the December 1986 COLA, would result in a net long-range savings to the OASDI program of 0.02 percent of taxable payroll, based on the intermediate (alternative II-B) assumptions of the 1985 Trustees Report. The estimated net savings consist of (1) a savings of 0.02 percent of payroll from the effect on the earnings base, (2) a cost of 0.08 percent of payroll from higher benefits during the 12 months after each COLA of 0.1 to 2.9 percent, inclusive, and (3) a savings of 0.07 percent of payroll from the elimination of unintended accumulations of CPI increases for beneficiaries who become eligible in the year following such a COLA. (The net effect differs from the sum of the components because of rounding.) If the unintended accumulations of newly eligible beneficiaries were eliminated separately (see subsection D), then subsequent elimination of the trigger would have an incremental net cost of 0.06 percent of payroll.

If the trigger were eliminated, the probability of not having a COLA in any given year would be greatly reduced. Years without COLAs would still occur, however, during infrequent periods of deflation or no increase in the CPI, which are expected to occur about 3 percent of the time, based on the intermediate (alternative II-B) assumptions of the 1985 Trustees Report.

*C. Effect of changing the trigger percentage to 1.0 percent*

Under a proposal to reduce the COLA trigger percentage from 3.0 percent to 1.0 percent, no COLA would occur—i.e., the CPI increase would be less than 1.0 percent—about 7 percent of the time. This would result in a net long-range savings to the OASDI program of 0.01 percent of taxable payroll, based on the intermediate (alternative II-B) assumptions of the 1985 Trustees Report. The estimated net savings consist of the same three elements described above for the proposal to eliminate the trigger; the separate effect of each element is slightly smaller in magnitude than the value shown for the previous proposal. Reduction of the trigger percentage to 1.0 percent after separate elimination of the unintended accumulations for newly eligible beneficiaries (see below) would have an incremental net cost of 0.06 percent of payroll.

*D. Effect of eliminating accumulation of CPI increases for newly eligible beneficiaries*

For a beneficiary becoming newly eligible during a year, the benefit level is computed using the PIA formula updated for January of that year. The resulting benefit level is generally increased by automatic COLAs each December, starting with the year of eligibility. If the trigger provision results in no COLA being effective for the December prior to the year of eligibility, however, then the change in CPI is accumulated, and the COLA for the year of eligibility is based on a 2-year increase in the CPI. This generally would result in an unintended permanent increase in the purchasing power of the benefit to a level higher than that of

the initial benefit.[2] Elimination of this unintended increase, while retaining the present 3.0-percent trigger level, would result in a long-range savings to the OASDI program of 0.07 percent of taxable payroll, based on the intermediate (alternative II-B) assumptions of the 1985 Trustees Report.

Eliminating the unintended accumulation of CPI increases for newly eligible persons would require separate COLAs to be applied for December of the year following a forgone COLA. The COLA based on the accumulated CPI increase would apply to those beneficiaries who were eligible when the COLA was forgone, and a separate COLA without the accumulation would apply to those beneficiaries who became eligible after the COLA was forgone.

If the COLA trigger percentage were not changed from the present level of 3.0 percent, COLAs would be forgone and the resulting unintended increases in the purchasing power of benefits for subsequently eligible beneficiaries would occur about one-third of the time, based on the intermediate (alternative II-B) assumptions of the 1985 Trustees Report. These unintended accumulations of CPI changes would occur less frequently if the trigger percentage were reduced to 1.0 percent or eliminated. Elimination of the unintended accumulations after reduction to 1.0 percent or elimination of the trigger would have a negligible long-range effect.

STATEMENT BY ROBERT J. MYERS PRESENTED TO THE COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, SEPTEMBER 11, 1984, WITH REGARD TO THE SOCIAL SECURITY COST-OF-LIVING INCREASE

Mr. Chairman and Members of the Committee: My name is Robert J. Myers. I served in various actuarial capacities with the Social Security Administration and its predecessor agencies from 1934 to 1970, being Chief Actuary the last 23 years. In 1981-82, I was Deputy Commissioner of Social Security. Then in 1982-83, I was Executive Director of the National Commission on Social Security Reform. In 1979-81, I was a member of the National Commission on Social Security, having been appointed by the House of Representatives.

I shall first give my views as to the elimination of the 3% trigger requirement for cost-of-living (COLA) increases for Social Security benefits. Then for the record, I will describe how this COLA procedure operates under present law for 1983 and after. Finally, I will discuss the cost aspects of the proposal to eliminate the trigger for the December 1984 COLA—and also as to permanent elimination.

The latest available data on the CPI (through July) indicate the very strong likelihood that the increase from the third quarter of 1983 to the third quarter of 1984 will be about 2.8% or 2.9%. The possibility exists, considering the volatility of the CPI, that the rise could be 3.0% (or even somewhat more), in which event the immediate problem with which we are now concerned will have vanished. Nonetheless, I believe that action should be taken on the basis that the 3% trigger point will not be reached.

[2] The accumulation of CPI changes would result in a decrease in the purchasing power of the benefit if a decrease in the CPI were to occur. This is assumed to occur about 3 percent of the time.

MY VIEWS ON PROPOSAL TO ELIMINATE THE 3% TRIGGER

From a policy and program-design standpoint, the elimination of the 3% trigger requirement is very desirable. Such requirement was initially provided in legislation in 1972 solely for administrative reasons (because of the difficulty then of making the increase applicable to so many millions of checks). Now, as a result of improved operating efficiency, such reason is no longer pertinent.

Another reason for eliminating the trigger requirement as now in the law is that it over-benefits some beneficiaries—namely, those who first become eligible in the year after that in which the trigger requirement is not met. Specifically, under present law, let us assume that the CPI increase is 2.9% for the December 1984 COLA, and that arbitrarily the CPI increase from the third quarter of 1984 to the third quarter of 1985 is 5.0%.

Then, persons who were eligible for benefits in 1984 or before would receive no COLA until December 1985, when it would be 8.0% (1.029x1.050−1=.080). The beneficiaries who first become eligible in 1985 will, of course, receive no COLA until December 1985, but then, under present law, a COLA also amounting to 8.0% will be payable to them—although logically, they should receive only 5.0% (the reason that the overly large COLA is provided by the legislation for the last cohort of eligibles than the earlier eligibles is the administrative simplicity involved).

The result of the overly large COLA in December 1985 for the 1985 eligibles is to produce another "notch" problem—as between the 1985 and 1986 eligibles. And I would think that the Congress would wish to have no further "notch" situations such as occurred in the 1977 Act as between those who attained age 62 after 1978 as against those who did so in 1978 (i.e., those born in 1917 and later, versus those born in 1916 and earlier).

The extent of the "notch" that will arise unless the 3% trigger requirement is removed may be shown for two persons with maximum covered earnings in all years since 1951. The only difference between the two individuals is that one attained age 62 at the end of 1985, and the other did so a few days later, in early 1986. Let us assume the trend for the CPI is that as used previously and that the increase in the nationwide average wage (as used in the wage indexing series for the computation of the Primary Insurance Amount) is 5.0% from 1982 to 1983 (which is quite probable) and 4.0% from 1983 to 1984 (which is reasonable, based on current data).

The resulting Primary Insurance Amounts for these two individuals are as follows:

| Individual who attains age 62 in— | If law is not changed | If 3 percent trigger is waived |
|---|---|---|
| 1985 | $809.10 | $787.50 |
| 1986 | 775.00 | [1] 775.70 |
| Excess for 1985 case | 34.10 | 11.80 |

[1] The PIA is increased slightly because of the higher earnings base in 1985 under these assumptions ($39,600). Similar slight effect occurs for the 1985 case.

Thus, it can be seen that a significant "notch" will occur if the 3% trigger requirement is not waived for the December 1984 COLA. (The small difference remaining after such action is taken is something that tends to occur in all years under the otherwise necessary and reasonable decoupling procedure adopted in the 1977 Act. The difference, which arises from the effect of varying lags between wage and price trends, will always be relatively small and can move in either direction in comparing one year's case with the next year's one.)

In summary, I strongly recommend that the 3% trigger requirement be eliminated permanently, and not solely for the December 1984 COLA. The result will be much more equitable and consistent treatment of beneficiaries. Furthermore, the long-range cost of the OASDI program will not be affected adversely, but rather will have a very small decrease, and the additional first-year cost can readily be borne, as a result of the very favorable experience to date as compared with the estimates made when the legislation was enacted—as will be discussed in detail hereafter.

DESCRIPTION OF COLA PROCEDURE FOR 1983 AND AFTER

Not considering the possibility of ad hoc benefit increases or the possibility of basing the COLAs on wage increases rather than CPI increases, the COLA procedure for 1983 and after is as follows:

For the December 1983 COLA, the percentage amount was based on the increase in the CPI from the last previous COLA computation quarter (1st quarter of 1982) to the current COLA computation quarter (1st quarter of 1983, as it is prescribed by Section 111(d) of the 1983 act, which applied for the 1983 COLA to the law as it related to COLAs before 1984, regardless of whether the CPI increase percentage was at least 3.0 percent). Thus, the 1st quarter of 1983 was a COLA-computation quarter.

For the December 1984 COLA, the CPI increase percentage is measured from the most recent COLA computation quarter in 1983 to the base quarter in 1984 (the 3rd quarter). As it so happens, there are two COLA computation quarters in 1983—the 1st quarter (as derived in the previous paragraph) and the 3rd quarter (based on Section 111(d) of the 1983 Act, which thus serves a dual purpose, one for the 1983 COLA and the other for the 1984 COLA, because such Section 111(d) has no effective date and thus applies to Section 215(i)(1) of the Social Security Act *both* as it was before being amended by Section 111(b) of the 1983 Act and afterward). The COLA computation quarter in 1983 to be used for the December 1984 COLA is thus the 3rd quarter of 1983, which is the "most recent" one (as prescribed in Section 215(i)(1)(D) of the Social Security Act). These procedures are accurately described in detail in the Conference Committee Report on the 1983 Act (House Report No. 98-47, page 121).

COST ASPECTS OF WAIVER OF 3% TRIGGER REQUIREMENT FOR DECEMBER 1984 COLA

The waiver of the 3% trigger requirement for the December 1984 COLA has several diverse cost effects, as follows (based on the memorandum of July 27 from Harry C. Ballantyne, Chief Actuary, SSA, entitled "Estimated Effects of Proposal Affecting the December 1984 Benefit Increase", and other material from the Office of the Actuary, SSA, except as otherwise stated), as compared with present law in each case:

(1) Benefit outgo in 1985 would be *increased* by $4.8 billion (but would be $3.4 billion *less* than according to the intermediate (Alternative II-B) estimate in the 1984 OASDI Trustees Report—my estimate—so that, even after the waiver of the 3% trigger, everything else being equal, the OASDI

Trust Funds would be in stronger condition than had been estimated last April.

(2) Benefit outgo in 1985 would be increased very slightly as a result of the increase in the exempt amounts under the retirement earnings test (increased cost included in item (1)).

(3) Benefit outgo in 1986, and for many years after, would be *reduced* as a result of preventing the windfalls otherwise payable to 1985 eligibles (all persons attaining age 62 in 1985, or dying or beoming disabled before age 62 in 1985, increasing rapidly to somewhat over $300 million in 1993 (and increasing slowly each year thereafter, until reaching a peak in a few years and then slowly declining, until being negligible in about 2025 and after—my estimate).

(4) OASDI tax income for 1985 would be increased by about $1.4 billion, as a result of the higher maximum taxable earnings base.

(5) HI tax income for 1985 would similarly be increased by about $350 million.

(6) There would also be other benefit cost effects. The additional benefits payable for 1985 would produce more income taxes that would revert to the OASDI Trust Funds (and a reverse effect would occur for the reduced benefits payable in future years resulting as described in item (3)). The increase in the earnings base (resulting as described in item (4)) would eventually result in slightly higher net benefit outgo, when such credited earnings enter into the benefit computations for the persons affected.

From a cash-flow standpoint, the proposed change would result in an excess of income over outgo for the OASDI Trust Funds of about $3.4 billion for 1985 as compared with present law. Nonetheless, the fund balance at the end of the year increase by a substantial amount, $11.2 billion. This should be compared with an estimated $9.1 billion in the intermediate estimate of the 1984 Trustees Report and, even more importantly, as against an estimated $4.9 billion in the intermediate-cost estimate of the 1983 Trustees Report and only $2.3 billion in the pessimistic-cost (Alternative III) estimate, which was, in essence, the estimate on which the financing of the 1983 Act was based).

From a long-range standpoint, we must first note that the balance of the OASDI Trust Funds will be lower, under the current estimates for a number of years if the proposal is adopted than under existing law. This will occur because of the high interest rates currently available to the trust funds, which produce income that largely offsets, for some years, the savings due to eliminating the windfall benefits for the 1985 eligibles. (If interest rates are not as high as assumed in 1985 and after, the situation would be quite different.)

In 1993, the fund balance at the end of the year is estimated at $447.2 billion under the proposal, as against $452.8 billion under existing law, or $5.6 billion less. This does not mean that the proposal has a cost of $5.6 billion as of 1984; the 1993 figure must be discounted at interest to 1985 and is then $3.3 billion (my computation).

More importantly, the estimated balance of the OASDI Trust Funds at the end of 1993 under the proposal ($447.2 billion) is far above the intermediate estimate in the 1984 Trustees Report of $389.1 billion, and even further above the intermediate estimate in the 1983 Trustees Report (i.e., that made just after the enactment of the 1983 Act) of $300.1 billion. The small estimated decrease in the fund balance at the end of 1993 of $5.6 billion as a result of the proposal (which would be much smaller if interest rates are lower than estimated) is a relative decrease of only 1.2%, whereas the fund balance unde the proposal is 49% higher than had been estimated for the intermediate-cost estimate for that date when the 1983 Act was enacted.

Finally, I have projected beyond 1993 the savings from eliminating the windfall benefits for the 1985 eligibles that waiver of the 3% trigger for the December 1984 COLA would produce. Then, in order to make the additional costs and the additional revenues and savings be comparable, I have obtained the present value in 1985 of the windfall-benefits savings, using the interest rates in the Alternative II-B estimate of the 1983 Trustees Report. The net result is that the cost in 1985 for paying the COLA by waiver of the 3% trigger is almost exactly balanced by the additional income from the OASDI taxes and the present value of the eliminated windfall benefits for the 1985 eligibles (the additional income from the HI taxes is not considered).

In summary then, regardless of the merits of the proposal (of which I believe that there are overwhelming ones), the net additional cost over the long run after considering all factors is, at most, very small (less than $100 million), and possibly even negative (i.e., a savings). The financial status of the OASDI Trust Funds in the short run, even though very slightly worse than under present law, is far better under the proposal than was anticipated under existing law in the 1984 Trustees Report, and even more so than was estimated when the 1983 Act was enacted. Also, the financial status of the HI Trust Fund, which is none too good over the long run, would be somewhat improved by the proposal.

COST ASPECTS OF PERMANENT ELIMINATION OF 3% TRIGGER REQUIREMENT FOR COLAS

In my opinion, the permanent elimination of the 3% trigger requirement for COLAs would, if anything, result in a very small decrease in the overall long-range cost of the OASDI program. The effect of increasing the maximum taxable earnings base for the next year and of eliminating, for all future years, the windfall for new eligibles of such year (and thus avoiding a notch situation relative to new eligibles of the following year) would more than offset the granting of the COLA for previous years' eligibles for the one-year period involved. This is so if the normal relationship between interest rates and CPI increases prevails (i.e., the former being about 2% more than the latter).

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By Mr. RIEGLE (for himself and Mr. CRANSTON):

S. 1721. A bill to amend the Social Security Act to provide for improved procedures with respect to disability determinations and continuing disability reviews and to modify the program for providing rehabilitation services to individuals determined under such act to be under a disability, and for other purposes; to the Committee on Finance.

SOCIAL SECURITY DISABILITY BENEFICIARY REHABILITATION ACT OF 1985

● Mr. RIEGLE. Mr. President, today I am reintroducing legislation to reform the Social Security Disability Insurance [SSDI] Program. This legislation is an improved version of S. 2369, which I introduced on February 29, 1984, during the 98th Congress. This year, I am pleased to have the senior Senator from California [Mr. CRANSTON] joining with me in introducing this legislation.

During the past 1½ years, I have been working with representatives from a coalition of national organizations representing disabled persons in an effort to improve the first version of this legislation. Working closely with members of my staff, and after months of meetings and review, this coalition has played a vital part in helping to design significant and needed improvement in the SSDI Program.

Mr. President, I ask unanimous consent that a letter from this coalition of national organization be reprinted immediately following my remarks.

The legislation we are introducing today is designed to improve the Social Security disability insurance determination process in a way that better meets the needs of disabled persons while saving Federal dollars. Rarely do we have the opportunity to improve the working of a Federal program, better meet the needs of its beneficiaries, and save Federal funds. I believe the legislation we are introducing today accomplishes all of those objectives.

RETIREMENT VERSUS DISABILITY

The origins of the Social Security Disability Program demonstrate that the program was not designed to meet the unique needs of disabled persons. The legislative history shows that the first benefits for disabled persons—enacted in 1954 in Public Law 761, 83d Congress—were not disability benefits. Rather, provisions were enacted to protect retirement benefits for "totally disabled" persons who were forced to leave the work force prematurely. This was the so-called disability freeze provision.

To overcome the opposition to creating a new program specifically for disabled persons, the proponents of disability insurance initially presented their proposal as a modification of the retirement program in the form of a reduction in the retirement age of disabled persons. In fact, the first cash benefits for disabled persons—enacted in 1955 in Public Law 880, 84th Congress—was part of a package to reduce the age that individuals become eligible for retirement benefits; disabled persons at age 50 and women at age 62.

In 1960—enacted as Public Law 88-778—the age limitation for cash disability benefits was eliminated. Nevertheless, the underlying basis of the program, that is, a cash benefit program providing for the early retirement of disabled persons, have never been modified. Although over the years amendments were added to the Social Security Act attempting to re-

orient the early retirement basis of the SSDI Program, the underlying philosphical basis remains unchanged.

CURRENT SITUATION

Mr. President, it is unfortunate that the SSDI Program is seen by many as an early retirement program for people too disabled to continue working. In June of 1980, Congress enacted Public Law 96-265 which included a provision—section 221(i)—requiring the ongoing review of disability beneficiaries, the CDI's. In part, many of the difficulties that resulted from the CDI's stem from the incompatibility of an ongoing review and the underlying early retirement orientation of the SSDI Program.

Mr. President, because the modern SSDI Program has evolved from an early retirement program for disabled workers, the concept and application of the CDI's is incompatible with the underlying originating principles of the program. Most individuals perceive retirement as a permanent condition not subject to external review. Before the statutory enactment of the CDI's, Social Security reviewed only those disabled beneficiaries to whom they told upon initial allowance that a reexamination would be scheduled. Those were mostly individuals who had conditions that were likely to improve. For the vast majority of beneficiaries, a review of their disability status was not envisioned. Before enactment of the CDI provisions, beneficiaries not scheduled or diaried for review were treated in the same manner as retired beneficiaries. The only procedural check utilized to determine the continued eligibility for benefits was the voluntary self-reporting on the part of the beneficiaries. Again, for the nondiaried SSDI beneficiaries, both within the mind of the beneficiary and within the minds of the administrators of the program, entitlement was seen as lasting until death or until the beneficiary voluntarily reported a change in his or her condition, such as returning to work.

Mr. President, the political pressures that necessitated the early retirement orientation of the SSDI Program have passed, and I believe it is time to reshape the program to provide benefits for disabled persons, as opposed to early retirees. This objective can be most easily accomplished by modifying the underlying orientation away from early retirement toward benefits and services for disabled persons. This can be done largely by modifying the determination process and without expanding the universe of individuals eligible for cash benefits. In addition, a program truly geared to the needs of disabled persons, providing them with rehabilitation services—in addition to cash benefits—will result in many disabled beneficiaries leaving the disability rolls. The result should be the savings of significant funds while directly meeting the needs of disabled persons.

A reoriented program should be designed along similar lines for disabled recipients of SSI benefits, and the bill I am introducing today accomplishes both of these objectives.

THE PROVISIONS OF S. 1721

Mr. President, as I have mentioned, the objective of this legislation is to redirect the SSDI Program away from the retirement model and toward a program specifically designed to meet the needs of disabled workers. In doing this, we will more adequately address the needs of newly disabled Americans and reduce cash outlays, thereby helping to secure the financial integrity of the disability insurance trust fund.

The bill I am proposing does not entail a radical reworking of the existing program because Congress has in fact been moving in this direction through piecemeal reforms over the last three decades. I am simply proposing to integrate many of the previous reforms—which were just tacked to existing procedures—into a unified system by alerting the methods used for evaluating eligibility for benefits.

Under the current system, an individual applying for disability benefits is only evaluated from the narrow perspective of establishing the existence of a medical disability. An applicant has an incentive to heighten the severity of the disabling conditions while the administrators have an incentive to minimize existing maladies. Under current practice, a very complex determination is made with regard to the severity and duration of the disabling condition, and then a decision is made regarding whether a benefit is either awarded or denied. At no point in the porcess is the Social Security Administration providing—nor is it expected to provide—assistance to these disability applicants beyond, of course, the cash benefit for those who are eligible.

Mr. President, the provisions of S. 1721 would alter the incentives contained in the current program by integrating a vocational rehabilitation evaluation into the initial and ongoing determination process. Even though such a determination is currently required under section 222 of the Social Security Act, it is ignored in practice. Since the Beneficiary Rehabilitation Program [BRP] was essentially repealed in 1981, the State disability examiners have no incentives for evaluating the rehabilitation potential of SSDI applicants. Hence, all of the cost savings which the Social Security Administration has determined result from beneficiary rehabilitation are lost under the present evaluation procedures. It was in 1981, that the Social Security Administration found that savings to the disability insurance trust fund ranged between $1.39 to $2.72 for every $1 spent on vocational services for DI beneficiaries. (Social Security Bulletin, February, 1981/vol. 44, No. 2, pp. 1-8).

The legislation I am proposing today does not resurrect the Beneficiary Rehabilitation Program, which was cost effective in spite of the lack of precision the program had in providing rehabilitation funds for beneficiaries most likely to benefit from such services. What I'm proposing in this legislation is to require an initial evaluation of rehabilitation potential along with the medical determination of a disability.

Prospective beneficiaries would be divided into the following groups based upon the extent and duration of their disabling condition:

First, those with long term or permanent disabilities—that is, those not subject to the mandatory CDI review under 221(i); or

Second, those with disabilities that are anticipated to last more than 12 months but where it is reasonable to anticipate improvement or change in the disabling condition at some point after the 12-month period—that is, those subject to the mandatory CDI review under 221(i); or

Third, those individuals under a disability albeit not sufficiently severe nor anticipated to last more than 12 months—that is, those individuals who would be denied cash benefits under the law.

This is similar to the procedure used under current law and is basically the method used for determining for cash benefits. However, during the same period of evaluation for cash benefits, the prospective beneficiary would be assessed for rehabilitation potential, and one of the three following determinations would be made:

First, the prospective beneficiary cannot benefit from rehabilitation services; or

Second, rehabilitation services would be of benefit to the prospective beneficiary, albeit it is extremely unlikely to result in an effort to return to work and eventually in the cessation of cash disability benefits; or

Third, there is the possibility that rehabilitation services will result in an effort to return to work and thereby in the eventual cessation of cash benefits.

Mr. President, under S. 1721 all individuals would be required to go through both the disability determination and rehabilitation evaluation before they would be notified of the results of either exam. The universe of individuals who would be eligible for cash benefits would include only those individuals who would be eligible under current law. The major difference with the current program is that for the first time there would be a workable requirement that applicants be evaluated for rehabilitation poten-

tial and where appropriate, referred to rehabilitation providers. Those for whom it was determined that rehabilitation would provide some benefit but not lead to an attempt to return to work would be directed to the State agency on rehabilitation services. For those individuals the State would provide—as required under current law—services with funds available through the State Grant Program—the section 101 program of the Rehabilitation Act. For those individuals where there is a possibility that rehabilitation services will result in a successful return to work effort and, therefore, in the eventual cessation of benefits, Social Security will refer that individual to a rehabilitation provider, whether public or private, who can best meet the rehabilitation needs of the SSDI beneficiary. Because a judgment has been made that these individuals have the best chance of returning to work and dropping off of the disability rolls, the cost of rehabilitating these individuals would be financed out of the Social Security disability trust fund. Under this program and with the careful selection of rehabilitation candidates—as previous experience has demonstrated—the trust funds should experience a net surplus of dollars.

Mr. President, it is important to note that the scope of rehabilitation services envisioned under this legislation follows section 103, of the Rehabilitation Act, and is extremely broad. Therefore, this legislation envisions Social Security providing a wide range of rehabilitation services for individuals where the possibility of a return to work effort exists. For example, section 103(a)(4) of the Rehabilitation Act, includes within the scope of rehabilitation services, among other items,

Physical and mental restorative services, including, but not limited to, (A) corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition which is stable or slowly progressive and constitutes a substantial handicap to employment. . . .

Therefore, it would be possible, under this bill, for the Social Security Administration to provide certain health services not ordinarily provided for under the Medicare or Medicaid programs, assuming that such services would result in the removal of barriers to employment.

All of the cash beneficiaries in receipt of rehabilitation benefits would be exempt from the current CDI reviews and would be monitored by SSA through rehabilitation reports that all providers of rehabilitation services would be required by statute to provide. These reports would be required at a minimum of once every 3 years for all beneficiaries who were not permanently disabled. The rehabilitation report would include an assessment of the beneficiaries' progress in the rehabilitation program including any improvement that might affect the disability status of the beneficiary, including, but not limited to a return to work effort. The Social Security Administration would evaluate the rehabilitation report to determine whether a review of the disability status of the beneficiary would be appropriate. All of the beneficiaries not in a rehabilitation program are reviewed within the same intervals as under current law and regulations.

In an effort to remain consistent with the SSI Program, and since similar principles apply to SSI disabled recipients, who in many cases are also in need of rehabilitation services, the bill we are introducing today also extends the modifications in the eligibility determination process to the SSI Program.

Mr. President, what I am proposing today represents a significant improvement in the Social Security Disability Program with only relatively minor modifications in the current program.

S. 1721 takes the final step in completing a series of reforms which Congress initiated soon after the enactment of the original program. With the modifications I am proposing today, we can, for the first time, say we have a national disability program that is designed to address the unique needs of disabled Americans.

Mr. President, I ask unanimous consent that the full text of S. 1721 be printed in the RECORD at this point.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 1721

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.* That this Act may be cited as the "Social Security Disability Beneficiary Rehabilitation Act of 1985".

SEC. 2. (a)(1) Section 221(a)(1) of the Social Security Act is amended—

(A) by striking out "and of" and inserting in lieu thereof ", the disability category that best describes the condition of such individual, and";

(B) by striking out "(A) " each place it appears and inserting in lieu thereof "(i)";

(C) by striking out "(B) " each place it appears and inserting in lieu thereof "(ii)";

(D) by inserting "(A)" after the paragraph designation; and

(E) by adding at the end thereof the following new subparagraphs:

"(B) In making a determination with respect to whether an individual is under a disability (as defined in section 223(d)), the State agency making such determination or the Secretary, as the case may be, shall at the same time determine which of the following disability categories best describes the condition of such individual at the time such determination is made:

"(i) The individual is under a disability (as defined in section 223(d)) that is permanent and can not benefit from vocational rehabilitation services (as described in section 103 of the Rehibilitation Act of 1973 (29 U.S.C. 723)) or from comprehensive services for independent living (as described in title VII of such Act (29 U.S.C. 796 et seq.)).

"(ii) The individual is under a disability that is permanent, is unlikely to engage in substantial gainful activity (in the case of an individual making application for benefits under section 202(d) or 223) or any gainful activity (in the case of an individual making application for benefits under subsection (e) or (f) of section 202) in the future, but can benefit from vocational rehabilitation services or comprehensive services for independent living.

"(iii) The individual is under a disability that is permanent, can benefit from vocational rehabilitation services, and, if provided with such services, would possibly engage in substantial gainful activity or any gainful activity, as the case may be, as the result of having been provided with such services.

"(iv) The individual is under a disability that is not permanent and cannot benefit from vocational rehabilitation services.

"(v) the individual is under a disability that is not permanent, is unlikely to engage in substantial gainful activity or any gainful activity, as the case may be, in the future, but can benefit from vocational rehabilitation services or comprehensive services for independent living.

"(vi) The individual is under a disability that is not permanent, can benefit from vocational rehabilitation services, and, if provided with such services, would possibly engage in substantial gainful activity or any gainful activity, as the case may be, as the result of having been provided with such services.

"(vii) The individual is under a medically determinable physical or mental impairment that is not a disability (as defined in section 223(d)), and could possibly benefit from vocational rehabilitation services provided under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.).

"(viii) The individual is under a medically determinable physical or mental impairment that is not a disability, and could not benefit from vocational rehabilitation services.

"(ix) The individual is not under a disability or any other medically determinable physical or mental impairment.

Determinations under this subparagraph shall be made in accordance with standards promulgated by the Secretary in consultation with the Commissioner of the Rehabilitation Services Administration of the Department of Education.

"(C) Notice to an individual of a decision by the Secretary with respect to whether an individual is under a disability (as defined in section 223(d)) shall include, in addition to the matters required to be included in the notice of such decision under section 205(b)(1)—

"(i) an explanation, in understandable language, of

the reasons why the State agency or the Secretary, as the case may be, has determined that a particular disability category set forth in subparagraph (B) best describes the condition of such individual; and

"(ii) in the case of an individual with respect to whom it is determined that vocational rehabilitation services or comprehensive services for independent living would be beneficial—

"(I) a statement that such individual is eligible for such services;

"(II) a brief explanation of the disability review provisions of subsection (i) and the application of such provisions to such individual; and

"(III) information with respect to how to apply for such services.

"(D) The Secretary shall take such steps as may be necessary to ensure that—

"(i) all determinations required by this paragraph are made in a timely manner, and

"(ii) the payment of benefits to disabled individuals under this title is not delayed by reason of such determinations.".

(2) Section 221(c)(1) of such Act is amended by inserting ", that a different disability category set forth in subsection (a)(1)(B) best describes the condition of such individual," after "(as so defined)".

(3) Section 221(d) of such Act is amended by striking out "subsection (a)," and inserting in lieu thereof "subsection (a) (including a determination of the disability category set forth in subsection (a)(1)(B) that best describes the condition of an individual), or under subsection".

(4) Section 221(g) of such Act is amended by striking out "(a) shall" and inserting in lieu thereof "(a) (including determinations with respect to which of the disability categories set forth in paragraph (1)(B) of such subsection best describes the condition of an individual) shall".

(b) Section 221(i) of such Act is amended—

(1) in paragraph (1)—

(A) by inserting "and such individual is not eligible for or is not (for any reason) receiving vocational rehabilitation services or comprehensive services for independent living provided in accordance with section 222," after "disability,"; and

(B) by striking out all beginning with "years" through "administration of this title." and inserting in lieu thereof "years in the case of an individual determined under subsection (a)(1)(B) to be under a disability that is not permanent, and at least once every 7 years in the case of an individual determined under such subsection to be under a disability that is permanent."; and

(2) by striking out paragraphs (2) and (3) and inserting in lieu thereof the following new paragraphs:

"(2) In any case in which an individual is or has been determined to be under a disability and such individual is receiving vocational rehabilitation services or comprehensive services for independent living provided in accordance with section 222, the case shall be reviewed by the applicable State agency or the Secretary (as may be appropriate), for purposes of continuing eligibility, whenever such agency or the Secretary concludes, on the basis of a report made in accordance with section 222(b)(2) that such a review is warranted.

"(3) Reviews of cases under paragraphs (1) and (2) shall be in addition to, and shall not be considered as a substitute for, any other reviews that are required or provided for under or in the administration of this title.".

(C)(1) Subsections (a) and (b) of section 222(a) of such Act are amended to read as follows:

"REFERRAL FOR SERVICES

"(a)(1) Except in the case of an individual referred to a facility pursuant to paragraph (2), the State agency making determinations of whether an individual is under a disability (as defined in section 223(d)) or the Secretary, as the case may be, shall promptly refer any individual determined to fall within a disability category set forth in clause (ii), (iii), (v), (vi), or (vii) of section 221(a)(1)(B), to (A) the State agency or agencies administering or supervising the administration of the State plan approved under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.) for necessary vocational rehabilitation services, or (B) the State unit (if any) designated under section 705 of such Act (29 U.S.C. 796d) to administer a State plan approved under title VII of such Act (29 U.S.C. 796 et seq.) for such services, as may be appropriate.

"(2)(A) If an individual is determined in accordance with paragraph (1) of section 221(a) to be under a disability and to fall within a disability category set forth in clause (iii) or (vi) of subparagraph (B) of such paragraph, the State agency or the Secretary, as the case may be, may refer such individual directly to a facility that has been certified by the Secretary as qualified to be a provider of vocational rehabilitation services and shall make payments directly to such facility for vocational rehabilitation services furnished to such individual.".

"(B) (i) Any individual who—

"(I) is referred under this paragraph to a provider of vocational rehabilitation services, and

"(II) is dissatisfied for any reason with the services of the provider,

may request that the State agency or the Secretary, as the case may be, refer him or her to another provider of such services.

"(ii) The State agency or the Secretary, as the case may be, shall promptly make a determination with respect to such request and notify the individual of the determination. If the request is denied, the notice required by this clause shall contain a statement, in understandable language, of the reason or reasons for the denial of the request.

"(iii) Any individual making a request under this subparagraph shall be entitled to a hearing on the determination made under clause (ii) with respect to the request to the same extent as provided in section 205(b) for decisions of the Secretary, and to judicial review of the final decision made after the hearing, as is provided in section 205(g).

"ELIGIBILITY FOR SERVICES; REPORTING BY REHABILITATION FACILITIES, INDEPENDENT LIVING FACILITIES, AND CERTIFIED PROVIDERS

"(b)(1) An individual determined in accordance with paragraph (1) of section 221(a) to be under a disability or other medically determinable physical or mental impairment and to fall within a disability category set forth in clause (iii), (vi), or (vii) of subparagraph (B) of such paragraph (other than an individual referred to (and receiving vocational rehabilitation services from) a provider in accordance with the provisions of paragraph (2) of subsection (a) of this section) shall be eligible for vocational rehabilitation services provided under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.).

"(2) An individual determined in accordance with paragraph (1) of section 221(a) to be under a disability and to fall within a disability category described in clause (ii) or (v) of subparagraph (B) of such paragraph shall be eligible for vocational rehabilitation services provided under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.) or comprehensive services for independent living provided under title VII of such Act (29 U.S.C. 796 et seq.).

"(3)(A) A facility that—

"(i) is a rehabilitation facility and provides vocational rehabilitation services to an individual described in paragraph (1) or (2) of this subsection (other than an individual determined in accordance with paragraph (1) of section 221(a) to fall within the disability category set forth in subparagraph (B)(vii) of such paragraph) under a State plan approved under title I of the Rehabilitation Act of 1973, or

"(ii) provides comprehensive services for independent living to an individual described in paragraph (2) of this subsection under a State plan approved under title VII of such Act (29 U.S.C. 796 et seq.),

shall report promptly to the agency of such State that determines whether an individual is under disability (as defined in section 223(d)) or the Secretary, as the case may be—

"(I) the termination of the provision of such services to such individual (and the reason or reasons for such termination); and

"(II) any significant change in the impairment of such individual and any change in the employment status of such individual that might warrant a review with respect to the disability of such individual in accordance with section 221(i).

"(B) A rehabilitation facility that provides vocational rehabilitation services under a plan approved under title I of the Rehabilitation Act of 1973 to an individual determined in accordance with paragraph (1) of section 221(a) to be under a disability and to fall within the disability category set forth in clause (v) or (vi) of subparagraph (B) of such paragraph shall, in addition to submitting any reports required under subparagraph (A) with respect to such individual, submit a report once every 3 years that evaluates—

"(i) the progress of such individual toward the achievement of the goals established with respect to such individual and included in the individualized written plan of vocational rehabilitation developed for such individual pursuant to paragraph (1) of subsection (e);

"(ii) the likelihood that such individual will engage in substantial gainful activity or any gainful activity, as the case may be, in the future as the result of such services; and

"(iii) any other matters that are relevant to determination or redetermination of the disability status of such individual.

"(C) Failure by a facility described in subparagraph (A) (i) or (ii) to report a change in the condition of an individual described in paragraph (1) or (2) (other than an individual determined to fall within the disability category set forth in clause (vii) of section 221(a)(1)(B)), that such facility knows or has reason to know would result in a determination that such individual is no longer under a disability, shall be a misdemeanor and, upon conviction thereof, shall be punishable by a fine of up to $10,000.

"(D) Any provision of this paragraph that is applicable to a rehabilitation facility shall also apply to a provider of vocational rehabilitation services to which individuals are referred in accordance with paragraph (2) of subsection (a).".

(2) Section 222 of such Act is further amended by striking out subsection (d) and inserting in lieu thereof the following new subsections:

"COSTS OF SERVICES FROM TRUST FUNDS

"(d)(1) For purposes of making vocational rehabilitation services and comprehensive services for independent living more readily available to disabled individuals who are—

"(A) entitled to disability insurance benefits under section 223,

"(B) entitled to child's insurance benefits under section 202(d) after having attained age 18 (and are under a disability),

"(C) entitled to widow's insurance benefits under section 202(e) prior to attaining age 60, or

"(D) entitled to widower's insurance benefits under section 202(f) prior to attaining age 60,

to the end that savings will accrue to the Trust Funds as a result of rehabilitating such individuals, the Managing Trustee shall transfer funds from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund in the manner prescribed in paragraphs (2) and (3).

"(2) The Managing Trustee shall, from time to time during each fiscal year, transfer from the Trust Funds such sums as may be necessary to enable the Secretary to make payments to State agencies administering or supervising the administration of a State plan approved under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.) and to facilities certified under subsection (a)(2) as providers of vocational rehabilitation services for the reasonable and necessary costs of furnishing vocational rehabilitation services to individuals determined to be under a disability in accordance with paragraph (1) of section 221(a) and to fall within a disability category set forth clause (iii) or (iv) of subparagraph (B) of such paragraph (including services during the waiting periods of such individuals). Payments made under this paragraph shall be made in advance and shall be subject to adjustment on account of underpayments and overpayments.

"(3) The Managing Trustee shall transfer from such Trust Funds each fiscal year such sums as may be necessary to enable the Secretary to reimburse State agencies administering or supervising the administration of a State plan approved under title I of the Rehabilitation Act of 1973 and State units designated under section 705 of such Act (29 U.S.C. 796d) to administer plans approved under title VII of such Act for the reasonable and necessary costs of furnishing vocational rehabilitation services or comprehensive services for independent living (including services furnished during waiting periods) under such a plan to individuals determined to be under a disability in accordance with paragraph (1) of section 221(a) of this Act, to fall within a disability category described in clause (ii) or (v) of subparagraph (B) of such paragraph, and to have engaged in substantial gainful activity or any gainful activity, as the case may be, for a continuous period of nine months as a result of such services. The determination that such services contributed to the return of an individual to substantial gainful activity, or any gainful activity, as the case may be, and the determination of the costs to be reimbursed under this paragraph, shall be made by the Commissioner of Social Security in accordance with criteria formulated by the Commissioner. Payments made under this paragraph shall be subject to adjustment on account of underpayments and overpayments.

"(4) Money paid from the Trust Funds under this subsection for the reimbursement of the costs of providing services to individuals who are entitled to benefits under section 223 (including services during the waiting periods of such individuals), or who are entitled to benefits under section 202(d) on the basis of the wages and self-employment income of such individuals, shall be charged to the Federal Disability Insurance Trust Fund, and all other money paid from the Trust Funds under this subsection shall be charged to the Federal Old-Age and Survivors Insurance Trust Fund. The Secretary shall determine according to such methods and procedures as the Secretary may deem appropriate—

"(A) the total amount to be transferred for the cost of services under this subsection, and

"(B) subject to the provisions of the preceding sentence, the amount that should be charged to each of the Trust Funds.

"INDIVIDUALIZED WRITTEN PLANS OF VOCATIONAL REHABILITATION; STANDARDS FOR PROVIDERS

"(e)(1)(A) A facility that provides vocational rehabilitation services or comprehensive services for independent living to an individual eligible under this section for such services shall do so in accordance with an individualized written plan of vocational rehabilitation for such individual.

"(B) Notwithstanding section 102 of the Rehabilitation Act of 1973 (29 U.S.C. 722), the individualized written plan of vocational rehabilitation required by subparagraph (A) shall be developed, implemented, and reviewed in a manner that is, to the greatest extent practicable and consistent with the provisions of this title, the same as the manner in which plans required by section 1507 of title 38, United States Code, are developed, implemented, and reviewed.

"(2)(A) A facility that provides vocational rehabilitation services or comprehensive services for independent living to an individual eligible under this section for such services shall meet such standards as the Secretary may by regulation prescribe.

"(B) In promulgating regulations under subparagraph (A), the Secretary shall consult with the Commissioner of the Rehabilitation Services Administration of the Department of Education and, to the greatest extent practicable and consistent with the purposes of this section, shall incorporate the standards applicable to facilities and providers of such services under titles I and VII of the Rehabilitation Act of 1973 on the day before the date of the enactment of this subsection.

"DEFINITIONS

"(f)(1) For purposes of this section—

"(A) except as provided in paragraph (2), the term 'rehabilitation facility' shall have the meaning given to such term in section 7 (11) of the Rehabilitation Act of 1973 (29 U.S.C. 706(11));

"(B) the term 'vocational rehabilitation services' shall have the meaning given to such term in section 103 of such Act (29 U.S.C. 723); and

"(C) the term 'comprehensive services for independent living' shall have the meaning given to such term in title VII of such Act (29 U.S.C. 796 et seq.).

"(2) Vocational rehabilitation services and comprehensive services for independent living provided pursuant to this section may be limited in type, scope, or amount in accordance with regulations promulgated by the Secretary in order to ensure that such services are consistent with the purposes of subsection (d).".

"(d)(1) Section 222(c)(4)(A) of such Act is amended to read as follows:

"(A) the ninth month in which the individual renders services (whether or not such nine months are consecutive) of any fifteen-month period beginning on or after the first day of such period of trial work; or".

(2) Section 222(c) of such Act is amended—

(A) by striking out "(3) and (4)" in paragraph (1) and inserting in lieu thereof "(3), (4), and (6)"; and

(B) by adding at the end thereof the following new paragraph:

"(6) In the case of an individual determined in accordance with paragraph (1) of section 221(a) to be under a disability (as defined in section 223(d)) and to fall within a disability category set forth in clause (iii) or (vi) of subparagraph (B) of such paragraph, subparagraph (A) of paragraph (4) of this subsection shall be applied—

"(A) by substituting 'twelfth' for 'ninth'; and

"(B) by substituting 'twelve' for 'nine'.".

(e) Section 223(d)(4) of such Act is amended by adding at the end thereof the following new sentence: "In determining whether earnings derived from services performed by an individual demonstrate the individual's ability to engage in substantial gainful activity, earnings derived from transitional work, supported work, and services performed in a sheltered workshop shall not be taken into account unless such earnings equal or exceed an amount equal to twice the amount of earnings that (but for this sentence) would result in a determination that such individual is able to engage in substantial gainful activity.".

(f)(1) This section and the amendments made by this section shall become effective on the day that is 180 days after the date of the enactment of this Act.

(2)(A) The amendments made by subsection (a) of this section shall apply to any determination made under subsection (a), (b), or (g) of section 221 of the Social Security Act (including a determination made for purposes of a continuing eligibility review required by subsection (i) of such section) on or after the date on which such amendments become effective.

(B) The amendments made by subsections (b), (c), and (d) of this section shall apply to any individual with respect to whom a determination is made under subsection (a), (c), or (g) of section 221 of the Social Security Act on or after the date on which such amendments become effective.

(3)(A) Subsections (c) and (d) of section 222 of the Social Security Act, as in effect on the day before the date on which the amendments made by this section become effective, shall continue to apply to any individual—

(i) who on such day is entitled to benefits under subsection (d), (e), or (f) of section 202 of such Act by reason of disability or to disability insurance benefits under section 223 of such Act, and

(ii) with respect to whom a determination has not been made under subsection (a), (c), or (g) of section 221 of such Act (as amended by subsection (a) of this section) after such day.

(B)(i) Any individual described in subparagraph (A) who desires to have his or her case reviewed in accordance with the procedures established by the amendments made by subsection (a) of this section may request that a determination be made under the applicable subsection of section 221 of the Social Security Act (as so amended).

(ii) The Secretary of Health and Human Services shall take such steps as may be necessary to ensure that (I) any individual described in subparagraph (A) is informed of the right of such individual to request a review under clause (i) and (II) a prompt determination is made with respect to any individual requesting such a review.

(4) The amendments made by subsection (e) shall apply with respect to months beginning on or after the date on which this section becomes effective.

SEC. 3. (a)(1) Section 1614 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(g)(1) In making a determination under paragraph (2) or (3) of subsection (a) with respect to whether an individual is a blind or disabled individual, the State agency making such determination or the Secretary, as the case may be, shall at the same time determine which of the following disability categories best describes the condition of such individual at the time such determination is made:

"(A) The individual is a blind or disabled individual whose impairment is permanent and who can not benefit from vocational rehabilitation services (as described in section 103 of the Rehabilitation Act of 1973 (29 U.S.C. 723)) or from comprehensive services for independent living (as described in title VII of such Act (29 U.S.C. 796 et seq.)).

"(B) The individual is a blind or disabled individual whose impairment is permanent, who is unlikely to engage in substantial gainful activity in the future, but who can benefit from vocational rehabilitation services or comprehensive services for independent living.

"(C) The individual is a blind or disabled individual whose impairment is permanent, who can benefit from vocational rehabilitation services, and who, if provided with such services, would possibly engage in substantial gainful activity as the result of having been provided with such services.

"(D) The individual is a blind or disabled individual whose impairment is not permanent and who can not benefit from vocational rehabilitation services.

"(E) The individual is a blind or disabled individual whose impairment is not permanent, who is unlikely to engage in substantial gainful activity in the future as the result of such services, but who can benefit from vocational rehabilitation services or comprehensive services for independent living.

"(F) The individual is a blind or disabled individual whose impairment is not permanent, who can benefit from vocational rehabilitation services, and who, if provided with such services, would possibly engage in substantial gainful activity as the result of having been provided with such services.

"(G) The individual is not a blind or disabled individual but is under a medically determinable physical or mental impairment, and could possibly benefit from vocational rehabilitation services provided under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.).

"(H) The individual is under a medically determinable physical or mental impairment, but is not a blind or disabled individual and could not benefit from vocational rehabilitation services.

"(I) The individual is not a blind or disabled individual and is not under any other medically determinable physical or mental impairment.

Determinations under this paragraph shall be made in accordance with standards promulgated by the Secretary in consultation with the Commissioner of the Rehabilitation Services Administration of the Department of Education.

"(2) Notice to an individual of a decision under paragraph (2) or (3) of subsection (a) with respect to whether such individual is a blind or disabled individual shall include, in addition to the matters required to be included in the notice of such decision under section 1631(c)(1)—

"(A) an explanation, in understandable language, of the reasons why the State agency or the Secretary, as the case may be, has determined that a particular disability category set forth in paragraph (1) best describes the condition of such individual; and

"(B) in the case of an individual with respect to whom it is determined that vocational rehabilitation services or comprehensive services for independent living would be beneficial—

"(i) a statement that such individual is eligible for such services; and

"(ii) information with respect to how to apply for such services.

"(3) The Secretary shall take such steps as may be necessary to ensure that—

"(A) all determinations under this subsection and paragraphs (2) and (3) of subsection (a) are made in a timely manner, and

"(B) the payment of benefits to blind and disabled individuals under this title is not delayed by reason of such determinations.".

(2) Section 1631(c)(1) of such Act is amended—

(A) by inserting after the second sentence the following: "Each decision by the Secretary with respect to whether an individual is disabled for purposes of receiving benefits under this title shall also contain a statement, in understandable language, or the reasons the individual has been determined to fall within a particular disability category set forth in section 1614(g)(1).."; and

(B) by striking out "or the amount of such individual's benefits" and inserting in lieu thereof "the amount of such individual's benefits, or the disability category set forth in section 1614(g)(1) that best describes the condition of such individual".

(b) Section 1615 of such Act is amended to read as follows:

"SERVICES FOR BLIND AND DISABLED INDIVIDUALS

"SEC. 1615. (a)(1) Except in the case of an individual referred to a facility pursuant to paragraph (2), the State agency making determinations under paragraphs (2) and (3) of section 1614(a) with respect to whether an individual is a blind or disabled individual or the Secretary, as the case may be, shall promptly refer any individual determined to fall within a disability category set forth in subparagraph (B), (C), (E), (F), or (G) of section 1614(g)(1) to (A) the State agency or agencies administering or supervising the administration of the State plan approved under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.) for necessary vocational rehabilitation services, or (B) the State unit (if any) designated under section 705 of such Act (29 U.S.C. 796d) to administer a State plan approved under title VII of such Act (29 U.S.C. 796 et seq.) for such services, as may be appropriate.

"(2)(A) If an individual is determined in accordance with paragraph (2) or (3) of subsection (a) of section 1614 to be a blind or disabled individual and to fall within a disability category described in subparagraph (C) or (F) of subsection (g)(1) of such section, the State agency or the Secretary, as the case may be, may refer such individual directly to a facility that has been certified by the Secretary as qualified to be a provider of vocational rehabilitation services and shall make payments directly to such facility for vocational rehabilitation services furnished to such individual.

"(B)(i) Any individual who—

"(I) is referred under this paragraph to a provider of vocational rehabilitation services, and

"(II) is dissatisfied for any reason with the services of the provider.

may request that the State agency or the Secretary, as the case may be, refer him or her to another provider of such services.

"(ii) The State agency or the Secretary, as the case may be, shall promptly make a determination with respect to such request and notify the individual of the determination. If the request is denied, the notice required by this clause shall contain a statement, in understandable language, of the reason or reasons for the denial of the request.

"(iii) Any individual making a request under this subparagraph shall be entitled to a hearing on the determination made under clause (ii) with respect to the request to the same extent as provided in section 205(b) for decisions of the Secretary, and to judicial review of the final decision made after the hearing, as is provided in section 205(g).

"(b)(1) An individual determined in accordance with paragraph (2) or (3) of subsection (a) of section 1614 to be a blind or disabled individual or to have some other medically determinable physical or mental impairment, and to fall within a disability category described in subparagraph (C), (F), or (H) of subsection (g)(1) of such section (other than an individual receiving vocational rehabilitation services in accordance with the provisions of paragraph (2) of subsection (a) of this section) shall be eligible for vocational rehabilitation services provided under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.).

"(2) An individual determined in accordance with paragraph (2) or (3) of subsection (a) of section 1614 to be a blind or disabled individual and to fall within a disability category set forth in subparagraph (B) or (E) of subsection (g)(1) of such section shall be eligible for vocational rehabilitation services provided under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.) or comprehensive services for independent living provided under title VII of such Act (29 U.S.C. 796 et seq.).

"(3)(A) A facility that—

"(i) is a rehabilitation facility and provides vocational rehabilitation services to an individual described in paragraph (1) or (2) of this subsection (other than an individual determined to fall within the disability category described in section 1614(g)(1)(G)), under a State plan approved under title I of the Rehabilitation Act of 1973, or

"(ii) provides comprehensive services for independent living to an individual described in paragraph (2) of this subsection under a State plan approved under title VII of such Act (29 U.S.C. 796 et seq.),

shall report promptly to the agency of such State that determines whether an individual is a blind or disabled individual or to the Secretary, as the case may be—

"(I) the termination of the provision of such services to such individual (and the reason or reasons for such termination); and

"(II) the return to work of such individual.

"(B) Any provision of this paragraph that is applicable to a rehabilitation facility shall also apply to a provider of vocational rehabilitation services to which individuals are referred in accordance with paragraph (2) of subsection (a).

"(c)(1) The Secretary is authorized to make payments to State agencies administering or supervising the administration of a State plan approved under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et

seq.) and to facilities certified under subsection (a)(2) as providers of vocational rehabilitation services for the reasonable and necessary costs of furnishing vocational rehabilitation services to individuals determined to be blind or disabled individuals under paragraph (2) or (3) of subsection (a) of section 1614 and to fall within a disability category set forth in subparagraph (C) or (F) of subsection (g)(1) of such section (including services during the waiting periods of such individuals). Payments made under this paragraph shall be made in advance and shall be subject to adjustment on account of underpayments and overpayments.

"(2) The Secretary is authorized to reimburse State agencies administering or supervising the administration of a State plan approved under title I of the Rehabilitation Act of 1973 and State units designated under section 705 of such Act (29 U.S.C. 796d) to administer plans approved under title VII of such Act for the reasonable and necessary costs of furnishing vocational rehabilitation services or comprehensive services for independent living (including services furnished during waiting periods) under such a plan to individuals determined to be blind or disabled individuals under paragraph (2) or (3) of subsection (a) of section 1614, to fall within a disability category described in subparagraph (B) or (E) of subsection (g)(1) of such section, and to have engaged in substantial gainful activity for a continuous period of nine months as a result of such services. The determination that such services contributed to the return of an individual to substantial gainful activity, and the determination of the costs to be reimbursed under this paragraph shall be made by the Commissioner of Social Security in accordance with criteria determined by the Commissioner in the same manner as under section 222(d)(3). Payments made under this section shall be subject to adjustment on account of underpayments and overpayments.

"(d)(1)(A) A facility that provides vocational rehabilitation services or comprehensive services for independent living to an individual eligible under this section for such services shall do so in accordance with an individualized written plan of vocational rehabilitation for such individual.

"(B) Notwithstanding section 102 of the Rehabilitation Act of 1973 (29 U.S.C. 722), the individualized written plan of vocational rehabilitation required by subparagraph (A) shall be developed, implemented, and reviewed in a manner that is, to the greatest extent practicable and consistent with the provisions of this title, the same as the manner in which plans required by section 1507 of title 38, United States Code, are developed, implemented, and reviewed.

"(2)(A) A facility that provides vocational rehabilitation services or comprehensive services for independent living to an individual eligible under this section for such services shall meet such standards as the Secretary may by regulation prescribe.

"(B) In promulgating regulations under subparagraph (A), the Secretary shall consult with the Commissioner of the Rehabilitation Services Administration of the Department of Education and, to the greatest extent practicable and consistent with the purposes of this section, shall incorporate the standards applicable to facilities and providers of such services under titles I and VII of the Rehabilitation Act of 1973 on the day before the date of the enactment of this subsection.

"(e)(1) For purposes of this section—

"(A) except as provided in paragraph (2), the term 'rehabilitation facility' shall have the meaning given to such term in section 7 (11) of the Rehabilitation Act of 1973 (29 U.S.C. 706(11));

"(B) the term 'vocational rehabilitation services' shall have the meaning given to such term in section 103 of such Act (29 U.S.C. 723); and

"(C) the term 'comprehensive services for independent living' shall have the meaning given to such term in title VII of such Act (29 U.S.C. 796 et seq.).

"(2) Vocational rehabilitation services and comprehensive services for independent living provided pursuant to this section may be limited by the Secretary to the same extent as services of such type are limited under section 222(f)(2).".

(c)(1) Section 1614(a)(4)(D)(i) of such Act is amended to read as follows:

"(i) the ninth month in which the individual renders services (whether or not such nine months are consecutive) of any fifteen-month period beginning on or after the first day of such period of trial work; or".

(2) Section 1614(a)(4) of such Act is amended—

(A) by striking out "(C) and (D)" in subparagraph (B) and inserting in lieu thereof "(C), (D), and (E)";

(B) by adding at the end thereof the following new subparagraph:

"(E) In the case of an individual determined in accordance with paragraph (2) or (3) to be a blind or disabled individual and to fall within a disability category described in subparagraph (C) or (F) of subsection (g)(1),

subparagraph (D)(i) of this paragraph shall be applied—

"(i) by substituting 'twelfth' for 'ninth'; and

"(ii) by substituting 'twelve' for 'nine'.".

(d) Section 1614(a)(3)(D) of such Act is amended by adding at the end thereof the following new sentence: "In determining whether earnings derived from services performed by an individual demonstrate the individual's ability to engage in substantial gainful activity, earnings derived from transitional work, supported work, and services performed in a sheltered workshop shall not be taken into account unless such earnings equal or exceed an amount equal to twice the amount of earnings that (but for this sentence) would result in a determination that such individual is able to engage in substantial gainful activity.".

(e)(1) This section and the amendments made by this section shall become effective on the day that is 180 days after the date of the enactment of this Act.

(2)(A) The amendments made by subsection (a) of this section shall apply to any determination made under paragraph (2) or (3) of subsection (a) of section 1614 of the Social Security Act and any determination made for purposes of a continuing eligibility review required by section 416.989 of title 20, Code of Federal Regulations) on or after the date on which such amendments become effective.

(B) The amendments made by subsections (b) and (c) of this section shall apply to any individual with respect to whom a determination is made under paragraph (2) or (3) of subsection (a) of section 1614 of the Social Security Act or pursuant to section 416.989 of title 20, Code of Federal Regulations, on or after the date on which such amendments become effective.

(3)(A) Sections 1614(a)(4) and 1615 of the Social Security Act, as in effect on the day before the date on which the amendments made by this section become effective, shall continue to apply to any individual—

(i) who on such day is entitled to benefits under section 1611(a) of such Act by reason of blindness or disability, and

(ii) with respect to whom a determination has not yet been made pursuant to section 416.989 of title 20, Code of Federal Regulations, after such day.

(B)(i) Any individual described in subparagraph (A) who desires to have his or her case reviewed in accordance with the procedures established by the amendments made by subsection (a) of this section may request that a determination be made pursuant to section 416.989 of title 20, Code of Federal Regulations.

(ii) The Secretary of Health and Human Services shall take such steps as may be necessary to ensure that (I) any individual described in subparagraph (A) is informed of the right of such individual to request a review under clause (i) and (II) a prompt determination is made with respect to any individual requesting such a review.

(4) The amendments made by subsection (d) shall apply with respect to months beginning on or after the date on which this section becomes effective.

NATIONAL MENTAL
HEALTH ASSOCIATION,
*Alexandria, VA, July 29, 1985.*

Hon. DONALD W. RIEGLE, Jr.,
*Dirksen Senate Office Building, Washington, DC.*

DEAR SENATOR RIEGLE: The coalition of national organizations listed below, concerned about the rights of people with physical and mental disabilities, strongly supports your efforts to improve rehabilitation services available to individuals on Social Security Disability Insurance and Supplemental Security Income. We support your introduction of legislation to establish a system whereby a disabled individual's rehabilitation potential will be assessed and an expanded range of rehabilitation service made available.

There is a critical need to improve the availability of appropriate rehabilitation services for individuals with disabilities who receive benefits from federal disability programs. The current system, which finances rehabilitation services after they have been provided and only for persons who engage in nine months of substantial gainful employment, is extremely limited and is a disincentive to rehabilitation efforts. We believe that if a greater range of rehabilitation services were available and funded, many other individuals on the rolls could be rehabilitated so they could return to competitive work. There are also many individuals on the rolls who could benefit enormously from rehabilitation services designed to improve their ability to function more independently. Under your bill, such persons would be identified and referred to the existing state rehabilitation system. Thus, your bill's provisions for expanding the eligibility of service providers to the private sector and for providing financing for individuals who may return to competitive employment could not only be of significant benefit to persons with disabilities, but should also reduce Trust Fund outlays for benefits.

Representatives from our organizations have been working with your staff on the details of this bill, and we are looking forward to continuing to do so as the bill is refined and moves through the legislative process. The introduction of this legislation

should begin a serious Congressional review of the need for improved rehabilitation services for persons receiving federal disability benefits. It is our hope that hearings on your bill can be arranged at an early date so that action can be taken during this Congress.

Sincerely,

CHRIS KOYANAGI.

On behalf of: American Psychological Association; American Rehabilitation Counselling Association; American Association for Counselling and Development; American Mental Health Counsellors Association; Association for Retarded Citizens—U.S.; Epilepsy Foundation of America; International Association of Psychosocial Rehabilitation Services; National Alliance for the Mentality Ill; National Association of Private Residential Facilities for the Mentally Retarded; National Association of Social Workers; National Association of State Mental Retardation Program Directors; National Association of Rehabilitation Facilities; National Council of Community Mental Health Centers; National Easter Seal Society; National Mental Health Association; National Rehabilitation Counselling Association; and United Cerebral Palsy Associations, Inc.●

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By Mr. ARMSTRONG (for himself, Mr. BOREN, Mr. SYMMS, and Mr. WARNER):

S. 1722. A bill to amend the Internal Revenue Code of 1954 to eliminate the separate mailing requirement for statements relating to interest, dividends, and patronage dividends, and for other purposes; to the Committee on Finance.

ELIMINATING SEPARATE MAILINGS OF 1099 FORMS

● Mr. ARMSTRONG. Mr. President, today Senator BOREN and I join with our colleagues Senator SYMMS and Senator WARNER, in introducing this legislation to eliminate the cause of some unnecessary costs associated with the distribution of IRS Form 1099. Specifically, this legislation would remove a statutory requirement that 1099 forms be sent to recipients of dividend and interest income by a separate first class mailing.

IRS Form 1099 is used to provide taxpayers with required annual tax information regarding taxable distributions of corporate dividends, patronage dividends, original issue discounts and interest payments. However, it has come to our attention that considerable sums of money are needlessly expended to comply with the law without the prospect of improving compliance. The law states that corporations, agricultural cooperatives and the financial services industry provide their shareholders or customers with 1099 forms by a method that involves millions of 22 cent separate mailings if these organizations cannot provide them in person.

The reason for the separate mailing requirement is to impress upon the taxpayer the importance of the information included. I believe that there are alternatives available that will be as successful in getting the taxpayers attention so the law ought to provide more flexibility to determine what those effective alternatives should be.

In 1982 the Congress determined, and rightly so, that more must be done to facilitate and improve voluntary tax compliance. In this regard measures were taken to secure the taxpayer identification numbers on all existing and new stockholder accounts and for all existing and new accounts in financial institutions or organizations like stock brokerage firms that distribute income. In combination with these improvements the IRS has been improving its matching capability to identify interest and dividends paid with interest and dividends claimed on tax returns. Furthermore back-up withholding procedures have been established applicable to taxpayers not willing to comply with these minimal requirements. These compliance techniques continue unaltered under this bill.

What this bill does is provide a measure of good sense in this area by reducing an unnecessary compliance cost applied to the private sector and replacing it with an opportunity to design more cost effective procedures. One such alternative is set out in the bill and that is to permit 1099 forms sent to corporate shareholders to accompany corporate dividend checks. Such a alternative provides a cost saving opportunity and, properly marked, the important tax information will not escape the attention of the taxpayer. One caveat exists here and that is the 1099 must still meet the deadline of January 31st of the year following the calendar year for which the 1099 applies.

The experience of one national brokerage firm underscores the need for this new legislation. Last year their expenses for postage alone amounted to $980,000 for three separate mailings-one for customers with dividend income, one for customers with interest income and one for customers with gross receipts. For those customers with more than one type of income one mailing would have accomplished the same goal. Thus another benefit of this legislation would be that these instances such information could be combined and then sent to taxpayers.

Many of the affected institutions provide monthly statements that now include more current year-to-date tax information than is required by law. This practice will do more to keep taxpayers informed of their responsibilities under the law than one separate mailing in my opinion. It should be clear that what requirements are in the law regarding the distribution of 1099's ought to be considered as minimum requirements, not the only permissible procedure. Authority is therefore provided to the Secretary of Treasury to determine What constitutes other acceptable procedures for advising taxpayers of their year-end taxable income, short of a mandatory separate mailing. This will establish a more flexible and efficient system of 1099 dissemination that will compliment, not frustrate, effective tax compliance techniques.

Mr. President, we have a responsibility to minimize the demands of government on taxpayers while maintaining a high standard of tax compliance. This bill will move us in that direction.●

● Mr. BOREN. Mr. President, the legislation that I am co-authoring with the Senator from Colorado and the Senator from Idaho is a commonsense approach toward ending an unfair bureaucratic burden. Current law requires that the 1099 forms which are required by the IRS to report corporate dividends, interest, original issue discounts, and patronage dividends paid to taxpayers must be provided annually either in person or sent individually in separate first-class mailings. This requirement was supposedly designed to make sure that taxpayers who were sent these forms along with other items in one envelope would not just toss the whole package away as if it were junk mail. The way this law was designed, however, imposes a tremendous postage and handling expense to those who are trying to comply with it. In short, this law has been an onerous burden to American businesses and cooperatives and has yielded nothing which would justify its continuation.

Our bill would answer the compliance needs of the IRS and would do just as much to protect against the taxpayer overlooking the 1099 form as does the current law, but it would signficiantly ease the administrative burden on American businesses. Under this legislation, companies and Co-ops would be allowed to send out their 1099's along with dividend checks. The Secretary of the Treasury would also be permitted to determine additional suitable means of distributing the forms. This will allow businesses to better use their internal cash for more productive measures. If we are to remain competitive in the world economy we are going to have to find ways to ease unnecessary governmental burdens like this. I urge my colleagues to join in support of this legislation.●

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By Mr. CHAFEE (for himself, Mr. CHILES, and Mr. MATHIAS):

S. 1723. A bill to establish pilot programs to develop methods for parents of children between the ages of 2 and 8, who may be educationally at risk, to enroll in adult literacy programs in which they will acquire the skills necessary to prepare their children for school and enhance their children's

educational achievement through home learning; to the Committee on Labor and Human Resources.

EVEN START ACT

Mr. CHAFEE. Mr. President, I am today introducing the Even Start Act, a measure that addresses one of the most serious and threatening problems facing the United States: adult illiteracy.

I am pleased that my distinguished colleagues Senators CHILES and MATHIAS have joined me in cosponsoring this legislation, which aims to solve the problem of illiteracy in a multigenerational way. It will involve parents and children together in low-cost programs teaching home-based literacy techniques. A similar version of this bill has been introduced in the House by Representative GOODLING.

Illiteracy is a great barrier for anyone attempting to break out of the cycle of poverty. Seventy-five percent of unemployed Americans lack the basic skills to be trained effectively for a job. Disproportionate numbers of functional illiterates are on the public assistance rolls. It is estimated that $6 billion are spent every year on child welfare costs and unemployment compensation for illiterate adults unqualified for work. Further, there is a direct correlation between illiteracy and crime, with 50 percent of our prison population functionally illiterate and maintained at a cost of another $6 billion per year.

These statistics are distrurbing to anyone concerned about the future health of our economy or the high costs of unemployment and the social welfare system. But what lies behind the numbers and the economic issues of illiteracy is a tragedy of immense proportions. Imagine the millions of illiterate adults who walk by the newsstand every day, incapable of comprehending the headlines of national and world news. Imagine the parents who cannot share a book of nursery rhymes of bedtime stories with their children because the lines of print are meaningless to them. Imagine the humiliation of not understanding the questions on a job application and trying to hide your inability to read from a prospective employer. If you can imagine these things, which is difficult for most readers to do, then you can begin to imagine the hardship endured by the millions of Americans who do not know how to read.

Adult illiteracy is not a new problem. The educational community has long been aware of it and, together with the Federal Government, has developed some programs to combat it. Chief among Federal initiatives to fight illiteracy is the Adult Education Act, first passed by Congress in 1966. Under this act, Adult Basic Education [ABE] Programs were begun all over the country to help those with substandard skills, particularly in literacy, improve their ability to contribute to the community. The existence of this Federal program, alongside numerous private-sector, volunteer-based literacy programs, might seem to indicate that we have the problem in hand and need only continue in our present efforts.

Unfortunately, the programs established to date have proven insufficient. There is general agreement among educators, sociologists, and Federal experts that at least 23 million adult Americans are functional illiterates. Comprising about one-fifth of our adult population, this group lacks the basic communications skills necessary to function effectively at everyday tasks. They cannot read the warning label on a bottle of medicine, a help wanted advertisement, or the operating instructions for a piece of machinery.

By conservative estimates, another 35 million adults possess these skills but are unable to use them with proficiency. This larger group of "marginal illiterates" cannot read a newspaper, a job application or voting materials with anything but the most rudimentary comprehension. Their decisionmaking as employees, citizens, and parents is seriously impaired by their inability to make sense out of the words and sentences the literate understand with ease.

The education programs currently in place are not reaching the vast majority of this illiterate population, which is growing by more than two million adults per year. Among the 158 member nations of the United Nations, our country ranks 49th in literacy levels. When one considers our extensive public education system, these figures seem unbelievable, but they only hint at the illiteracy problem facing the United States 10 or 20 years down the road.

Most disturbing is that the statistics will continue to grow worse unless we address the problem where it usually begins: in the home. Illiterate parents are far more likely to raise illiterate children than are parents who can read. Jonathan Kozol, whose recent book, "Illiterate America," has drawn attention to this urgent problem, calls the children of nonreaders a "pedagogic time bomb." Unexposed at home to reading habits of any kind, and lacking the preschool parental guidance that helps children from reading families develop basic skills, these children enter school at a significant disadvantage and are most often those who fall behind their classmates. If this happens, they cannot draw upon reinforcement at home, and their nonreading parents are incapable of evaluating their curriculum and working with teachers to help their children catch up. When the children of illiterates fail to acquire reading and writing skills themselves, they enter what is becoming in this country a cycle of illiteracy.

Our education system is not yet equipped to break this tragic cycle. The need for new ideas and programs is clear, but unfortunately we cannot, in these times of fiscal restraint, initiate a costly national literacy program. The legislation I am introducing today offers a new, low-cost approach to the problem. It builds upon outreach and service programs already in place to attack literacy as a problem that is often passed on from one generation to the next.

Working through existing adult basic education centers, the Even Start Act provides funds for the development of model programs to teach illiterate parents not just to read, but to be more effective in teaching their children to succeed in school. It will bring parents and children together to develop techniques of home-based, cooperative reading, building the intergenerational links that are missing in nonreading families. In short, it will teach parents to read along with their children.

This measure awards funding, on a competitive/grant basis, to agencies operating ABE programs in areas where illiteracy rates are highest. In order to qualify, the agency must design a literacy project to enroll the parents of economically disadvantaged children between the ages of 2 and 7. In addition, the agency must serve areas where unemployment rates are high. These are the areas where the cycle of illiteracy is rampant, and where millions of children of nonreading parents are threatened with becoming a new generation of illiterate adults. Finally, any agency selected to conduct an Even Start Project must coordinate its program with other related social service programs, such as Head Start.

Demonstration projects funded under this act will combat illiteracy where it begins and benefit not only adult illiterates but their children who are just beginning school. According to professionals in the field, there is a dire need for programs taking this intergenerational approach. Even Start Programs will contain a natural motivation for parents who not only want to read better, but who—even more strongly—do not want their children to become illiterate adults. Parents who read poorly or not at all will, I am confident, work hard to ensure that their children do not suffer the pain and frustration of illiteracy.

Mr. President, the Even Start Act addresses the grave problem of adult illiteracy without spending billions of dollars the Federal Government cannot afford. It links State, local, and Federal social services with literacy education to develop model programs coordinating adult and elementary

school education. And it is targeted at the most needy and historically underserved Americans.

Programs funded under this legislation will develop methods for solving the problem of illiteracy by teaching families to read and learn together. By providing children from illiterate families with an even start, these programs will begin to break the cycle of illiteracy. I urge my colleagues to support this innovative attempt to help those who live in "illiterate America" become reading, contributing citizens.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1723

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Even Start Act".

FINDINGS AND PURPOSE

SEC. 2. (a) FINDINGS.—The Congress finds that—

(1) successful education depends on the learning skills that are developed at home in the childhood years;

(2) many children from disadvantaged backgrounds begin school with less developed learning skills than their peers and fail to make up that difference over their school career;

(3) at least 23,000,000 adults, many of them parents, lack basic literacy skills;

(4) many parents who lack basic skills are not full partners in the education of their own children;

(5) the participation of such parents in the education of their children can be increased by helping the parents acquire specific skills and strategies needed to work with their children; and

(6) disadvantaged children can begin their education with an even start when their parents are assisted in identifying and meeting their educational and developmental needs.

(b) PURPOSE.—It is therefore the purpose of this Act to combine successfully adult basic education for parents and school readiness training for children into an effective educational program by—

(1) developing model adult basic education literacy programs having a component designed to assist parents to be more effective in preparing their children for entrance into school;

(2) helping parents learn techniques and skills that can be used to assist in their children's education; and

(3) providing parents with supervised opportunities to practice the techniques at the learning center and in the family's home.

USE OF FUNDS

SEC. 3. (a) COMBINED PARENT AND CHILD EDUCATION SERVICES.—Funds made available to a grant recipient under this Act shall be used to provide a program of adult literacy training which includes as a major component the involvement of parents and children together in an effort to enhance the likelihood of educational achievement.

(b) PROGRAM ELEMENTS.—Each program provided by a grant recipient under this Act shall include—

(1) identifying and recruiting eligible participants;

(2) screening and preparation of parents and children for participation, including testing, referral to necessary counseling, and related services;

(3) carrying out programs and furnishing support services to suit the participants' work and other responsibilities, including—

(A) scheduling and locating services to allow joint participation by parents and children;

(B) child care; and

(C) transportation;

(4) establishing instructional programs that promote adult literacy, equip parents to support the education and growth of their children, and prepare children for success in regular school programs;

(5) providing and monitoring integrated instructional services to participants through home-based activities, including direct limited access cable television and other media, where applicable; and

(6) coordinating programs assisted under this Act with programs assisted under chapter 1 of the Education Consolidation and Improvement Act of 1981 in the area.

(c) ELIGIBLE PARTICIPANTS.—Eligible participants in programs provided by a grant recipient under this Act are families that—

(1) include a parent who is eligible for participation in an adult basic education program under the Adult Education Act; and

(2) reside—

(A) in a school attendance area designated for receipt of funds under chapter 1 of the Education Consolidation and Improvement Act of 1981; and

(B) with a child—

(i) who has attained 2 years of age but not 8 years of age, and

(ii) who is enrolled in or will, upon reaching school age, enroll in a school in which 20 percent of the students are eligible to participate in programs assisted by chapter 1 of the Education Consolidation and Improvement Act of 1981.

SELECTION OF GRANT RECIPIENTS

SEC. 4. (a) ELIGIBLE APPLICANTS.—Any agency, organization, or institution which operates an adult basic education program under the Adult Education Act.

(b) GRANT APPLICATION.—(1) To be selected as grant recipient, an eligible applicant shall submit an application that meets the requirements of section 3(b), in such form and containing or accompanied by such information as the Secretary may require.

(2) Such application shall include a demonstration by the applicant that—

(A) the applicant has the qualified personnel required (i) to develop, administer, and implement the program required by this Act, and (ii) to provide special training necessary to prepare staff for the program;

(B) the applicant can coordinate programs under the Adult Education Act with programs under chapter 1 of the Education Consolidation and Improvement Act of 1981, and with related health, nutrition, and social service programs such as Head Start, child abuse treatment and prevention programs, and substance abuse control programs; and

(C) in the case of an applicant that is not a local educational agency, the applicant plans and operates such programs in coordination with the applicable State and local educational agency.

(3) In addition, such application shall include a plan of operation for the program which includes—

(A) a description of the program goals;

(B) a description of the activities and services which will be provided by the program (including training and preparation of staff); and

(C) a statement of the methods which will be used (i) to ensure that the program will serve the eligible participants most in need of the activities and services provided by this Act, and (ii) to provide services under this Act to special populations, such as individuals with limited English proficiency and handicapped individuals.

(c) SELECTION OF GRANT RECIPIENTS.—(1) From the applications submitted in accordance with subsection (b), the Secretary shall select not less than 15 nor more than 20 for final review. In selecting applications under this subsection, the Secretary shall assure that selected applicants—

(A) serve areas in which unemployment rates are higher and the need for the programs for which assistance is sought is greatest; and

(B) serve urban areas in two-thirds of the applications selected and rural areas in one-third of the applications selected.

(2) Such final review shall be conducted by a review panel composed of the Secretary and the following individuals appointed by the Secretary:

(A) a State director of programs under chapter 1 of the Education Consolidation and Improvement Act of 1981;

(B) a director of a local program under such chapter;

(C) a State director of programs under the Adult Education Act;

(D) a director of a local program under such Act;

(E) one chief State school officers;

(F) a representative from a local Parent-Teacher Association;

(G) a professional with training in early childhood education; and

(H) a professional with training in adult literacy training.

(3) The review panel shall select applications for the receipt of funds under this Act.

PROGRAM AGREEMENTS

SEC. 5. (a) PROGRAM AGREEMENT REQUIRED.—An eligible applicant whose application has been selected for funding under section 4(c) shall enter into a program agreement with the Secretary in accordance with this section.

(b) CONTENTS OF PROGRAM AGREEMENT.—Each program agreement under this section shall—

(1) contain such information and assurances as the Secretary may require to ensure compliance with the requirements of this Act;

(2) specify that participants in the program under this Act will be enrolled for a period of not less than 12 months, beginning at any time during or after the beginning of the school year;

(3) assure that the grant recipient will comply with evaluation and dissemination requirements prescribed under section 6; and

(4) contain assurances that the grant recipient will—

(A) provide not less than 25 percent of the cost of the program for the third year of operation;

(B) provide not less than 50 percent of the cost of the program for the fourth year of operation; and

(C) continue to operate the program after the expiration of assistance under this Act, if the program has been demonstrated to be effective.

EVALUATION AND DISSEMINATION OF RESULTS OF PILOT PROJECTS

SEC. 6. (a) EVALUATION REQUIREMENT.—The Secretary shall provide for the evaluation of programs under this Act in order to determine their effectiveness in providing—

(1) adult education services;

(2) for the training of parents to work with their children;

(3) home based programs involving parents and child;

(4) for the participation of special populations;

(5) coordination with related service programs; and

(6) for the training of personnel in the appropriate skill areas.

(b) CONDUCT OF EVALUATIONS.—The evaluation shall be conducted by individuals not directly involved in the administration of the program or project operation under this Act. The outside evaluators and the program administrators shall jointly develop a set of evaluation criteria which provide for appropriate analysis of the factors located in subsection (a). When possible, the evaluations shall include comparisons with appropriate control groups.

(c) OBJECTIVE MEASURES.—In order to determine the effectiveness of a program assisted under this Act in achieving its stated goals, the evaluation shall contain objective measures of such goals and, whenever feasible, will obtain the specific views of program participants about such programs.

(d) DISSEMINATION.—The results of the evaluation conducted under this section shall, not later than the end of fiscal year 1992, be submitted to the national diffusion network and professional journals.

(e) LIMITATION.—Not more than $100,000 of the amount available to carry out the provisions of this Act in each fiscal year may be available to carry out the provisions of this section.

AVAILABILITY OF FUNDS FOR EVEN START PROGRAM

SEC. 7. In order to carry out the provisions of this Act, the Secretary shall, prior to carrying out the provision of the last sentence of section 563(a) of the Education Consolidation and Improvement Act of 1981, reserve $5,000,000 from the amount appropriated for fiscal year 1987 and for each succeeding fiscal year ending prior to October 1, 1991, to carry out chapter 2 of the Education Consolidation and Improvement Act of 1981.

DEFINITIONS

SEC. 8. As used in this Act, the term—

(1) "parent" has the same meaning given that term by section 595(a)(5) of the Education Consolidation and Improvement Act of 1981;

(2) "institution of higher education" has the same meaning given such term by section 481(a)(1) of the Higher Education Act of 1965;

(3) "local educational agency" has the same meaning given that term by section 595(a)(4) of such Act; and

(4) "State educational agency" has the same meaning given that term by section 595(a)(3) of such Act.

Mr. CHILES. Mr. President, I am most pleased to join my distinguished colleague from Rhode Island, Mr. CHAFEE, as an original sponsor of the Even Start Act. It has been a pleasure working with him on this legislation, which I think takes a well-targeted shot at a dual problem in this country—adult illiteracy and educational disadvantage of young children.

I am excited about this bill because it is one piece of a comprehensive approach we need to take to lowering the dismal illiteracy rate in America. To do that, we have got to focus on adult basic education and the range of education and job training options that must be open to functionally illiterate adults. We have got to catch those people who have fallen through the cracks in learning to read and to function in our complex technological world.

But we have got to focus on the children as well, before they fall through the cracks. I heard recently that 18 percent of preschool children in this Nation live in poverty. That means living with unemployed and underemployed parents. That means living in and out of the welfare system. And that very often means living in a home where the parents and the adults lack the skills to prepare children for school, much less be active partners in their schooling and learning through the years.

Without intervention, in this case early intervention and prevention, the cycle goes on. The result is the drop out, another generation of poverty, illiteracy, unemployment, and welfare dependence. And another lost resource for this country.

The Even Start Act would demonstrate innovative and effective ways to draw adults with the greatest educational needs into adult basic education through a range of services to enable them to enhance their young children's readiness and achievement in school. At the same time, the 2- to 7-year-old children whose parents participate gain from what their parents learn.

We worked to make this legislation a strong counterpart to what Head Start does to involve parents of children in that program in their child's education and to encourage the parents to further their own schooling. We have the documented results of Head Start's success in parental involvement, and ultimately the child's gains in school, staying in school, staying out of drugs and out of trouble, and avoiding teen pregnancy. What a bonus it would be if we could demonstrate, in the Adult Basic Education Program, a complementary effort to reach parents through their interest in their children and to teach children through what their parents learn in adult education.

The provisions of this legislation tightly focus on the parents of children in the critical preschool and primary grade years. The demonstrations will be conducted in the areas of highest poverty and Chapter I eligibles. The applicants must show that they can provide the outreach, linkage with relevant programs like Head Start and Chapter I, and comprehensive network of services, including transportation and day care, that will enable the participating adults and their children to benefit. Most importantly, these demonstrations will include activities in the home to promote the skills the parents need to assist in their children's readiness and learning, as well as their own.

As I said, an even start is just one piece of a network of actions we need to take to tackle adult illiteracy. Recently, Senator SPECTER and a number of others from both sides of the aisle introduced legislation aimed at another aspect of the same problem—the dropout Prevention and Reentry Act of 1985. Although I did not join in sponsoring this particular measure, I fully support its intent and thrust, and would like to work with the sponsors of the bill toward an effective study and demonstration of dropout prevention strategies.

I would also like to mention that legislation I joined Senator LEVIN in sponsoring—the Intergenerational Education Volunteer Network Act of 1985, S. 1022—forms another part of the network of programs we need to get children off to a sound start in school and prevent their dropping out or leaving school illiterate. This bill would authorize demonstrations of model programs involving older Americans as one-on-one tutors of children participating in Chapter I to increase their competency in the basic skills. Foster Grandparents have been a great bonus and resource in our schools. To offer our most needy and high risk children this opportunity for individualized help in school, as well as closer relationships and better understanding of the elderly, is again, a double bonus.

As we build our network of illiteracy and dropout prevention programs, we cannot forget that continuing support of the programs that are in place and working—Head Start, Chapter I, vocational and adult education, migrant education—is the key. These programs form the solid foundation for our effort.

Again, I would like to thank Senator CHAFEE for allowing me to work with him on this bill, and I look forward to continuing this work with him, and my other distinguished colleagues, who are all seeking effective answers to these urgent problems facing us.

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By Mr. BOREN (for himself and Mr. NICKLES):

S. 1724. A bill to authorize the Cherokee Nation of Oklahoma to design and construct hydroelectric power facilities at W.D. Mayo lock and dam; to the Select Committee on Indian Affairs.

HYDROELECTRIC POWERPLANT CONSTRUCTION BY THE CHEROKEE NATION OF OKLAHOMA

Mr. BOREN. Mr. President, I rise today to introduce legislation that will authorize the Cherokee Nation to design and construct the addition of hydroelectric generating facilities to the W.D. Mayo lock and dam near Sallisaw, OK. The financing, engineering design, and actual construction of the addition will be accomplished by the Cherokee Nation of Oklahoma. The design and construction will be approved and inspected by the U.S. Army Corps of Engineers. At the completion of construction, the Corps of Engineers will own, operate, and maintain the facilities.

Under this legislation, the Southwestern Power Administration will market the power produced at the facilities in accordance with section 5 of the 1944 Flood Control Act. The Southwestern Power Administration will be authorized to repay the Cherokee Nation the costs incurred for design and construction only after completion of the facilities and revenues can be realized from the sale of power.

The Cherokee Nation is striving to broaden their business base in a depressed geographical area and in what can only be described as a depressed regional economy. For these reasons the development of hydroelectric power on the Arkansas River makes sense as a tribal development.

The nation is prepared to bring 100 percent of the financing to the table to facilitate developing these facilities at the Mayo lock and dam. It is their intent to keep within the administration's water project financing and cost-sharing policies.

Given the existing situation on the Arkansas River, with the corps' ownership and operation of all the locks, dams, and hydroelectric generation facilities within a reasonable distance up and down the river from W.D. Mayo, it appears that the public interest would best be served by the corps' operation of the hydroelectric facility at the Mayo site. This would result in the most efficient management and operation of this water resource, as well as maximum compatibility with the existing system. Also, utilizing the existing infrastructure would negate the need to hire and train additional personnel, or construct new power lines.

As has been stated, it is the Cherokee Nation's intent to provide the financing and development of the project in return for a reasonable royalty. This project will provide, in the near term, much needed jobs in northeastern Oklahoma. Most importantly though, the income stream from this project will enhance the possibility of tribal independence from Federal subsidy programs. I applaud the efforts of the Cherokee Nation to expand their capabilities and I ask my colleagues to join with me in support of their efforts.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1724

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. (a) Notwithstanding any other provision of law, the Cherokee Nation of Oklahoma is hereby authorized to design and construct the addition of hydroelectric generating facilities to the W.D. Mayo Lock and Dam on the Arkansas River in Oklahoma that is described in the report of the Chief of Engineers dated December 23, 1981, if the agreement described in subsection (b) is executed by all parties described in subsection (b).

The Secretary of the Army, acting through the Army Corps of Engineers, and the Secretary of Energy, acting through the Southwestern Power Administration shall enter into a binding agreement with the Cherokee Nation of Oklahoma under which—

(1) the Cherokee Nation of Oklahoma agrees—

(A) to design and initiate construction of the generating facilities referred to in subsection (a) within 3 years after the date of such agreement,

(B) to reimburse the Secretary of the Army for the costs incurred by the Army Corps of Engineers in—

(i) approving such design and inpecting such construction, and

(ii) providing any assistance authorized under subsection (c)(2),

(C) to release and indemnify the Federal Government from any claims, causes of action, or liability which may arise from such design or construction, and

(2) the procedures and requirements for approval and acceptance of such design and construction are set forth,

(3) the rights, responsibilities, and liabilities of each party to the agreement are set forth, and

(4) the amount of the payments under section 2(b), and the procedures under which such payments are to be made, are set forth.

(c)(1) No Federal funds may be expended for the design or construction of the generating facilities referred to in subsection (a) prior to the date on which such facilities are accepted by the Secretary of the Army under subsection (d).

(2) Notwithstanding any other provision of law, the Secretary of the Army, through the Army Corps of Engineers is authorized to provide, on a reimbursable basis, any assistance requested by the Cherokee Nation of Oklahoma in connection with the design or construction of the generating facilities referred to in subsection (a).

(d) Notwithstanding any other provision of law, upon completion of the construction of the generating facilities referred to in subsection (a) and final approval of such facilities by the Secretary of the Army—

(1) the Cherokee Nation of Oklahoma shall transfer title to such facilities to the United States, and

(2) the Secretary of the Army shall—

(A) accept the transfer of title to such generating facilities on behalf of the United States, and

(B) operate and maintain such facilities through the Army Corps of Engineers.

SEC. 2. (a) The Southwestern Power Administration shall market the excess power produced by the generating facilities referred to in section 1(a) in accordance with section 5 of the Act of December 22, 1944 (58 Stat. 890; 16 U.S.C. 825s).

(b) Notwithstanding any other provision of law, the Secretary of Energy, through the Southwestern Power Administration, is authorized to pay to the Cherokee Nation of Oklahoma, in accordance with the terms of the agreement entered into under section 1(b), out of the revenues from the sale of power produced by the generating facilities of the interconnected systems of reservoirs operated by the United States Army Corps of Engineers and marketed by the Southwestern Power Administration—

(1) all of the costs incurred by the Cherokee Nation of Oklahoma in the design and construction of the generating facilities referred to in section 1(a), including the capital investment in such facilities and interest on such capital investment, and

(2) for a period not to exceed 50 years, a reasonable annual royalty for the design and construction of the generating facilities referred to in section 1(a).

(c) Notwithstanding any other provision of law, the Secretary of Energy, through the Southwestern Power Administration, is authorized—

(1) to construct such transmission facilities as necessary to market the power produced at the generating facilities referred to in section 1(a) with funds contributed by non-Federal sources, and

(2) to repay those funds, including interest and any administrative expenses, directly from the revenues from the sale of power produced by the generating facilities of the interconnected systems of reservoirs operated by the United States Army Corps of Engineers and marketed by the Southwestern Power Administration.

SEC. 3. There are authorized to be appropriated for the fiscal year in which title to the generating facilities is transferred and accepted under section 1(d), and for each succeeding fiscal year, such sums as may be necessary to operate and maintain such facilities and to market the power from such facilities.

SEC. 4. (a) Notwithstanding section 7871, section 103(m), and any other provision of section 103 of the Internal Revenue Code of 1954 (except subsections (c) and (j) of section 103 of such code), any obligation issued by the Cherokee Nation of Oklahoma, substantially all the proceeds of which are used to design or construct the generating facilities referred to in section 1(a), shall be treated as an obligation described in section 103(a)(1) of such Code for all purposes of such Code.

(b) No provision of law shall affect the applicability of subsection (a) unless such other law specifically cites subsection (a).

Mr. NICKLES. Mr. President, I am pleased to join with Senator BOREN in introducing legislation which would authorize the Cherokee Nation to finance, design, and construct hydroelectric generating facilities at W.D. Mayo Lock and Dam No. 14 near Sallisaw, OK. This plant will add needed low-cost power to the Southwest Federal Power System in the shortest possible timeframe and will benefit the Cherokee Nation by providing re-

sources for employment, better educational opportunities, and other facilities for the economic advancement of tribal members.

This system would be constructed through financing provided by the Cherokee Nation in cooperation with the U.S. Army Corps of Engineers, who would own, operate, and maintain the facility. I want to stress that no Government funds would be used for initial construction of the project.

The marketing of the power would be performed by the Southwest Power Administration, in accordance with section 5 of the 1944 Flood Control Act. The SWPA would reimburse the Cherokee Nation for all project costs along with a reasonable annual royalty for the design and construction of the system. Annual operating, maintenance, replacement, and marketing expenses incurred after facilities are operational would be funded through congressional appropriations and would be repaid by the SWPA with revenues resulting from the sale of power.

This approach to the operational and marketing aspects of the project in cooperation with the existing Federal infrastructure, without the expense of having to add extra personnel or facilities, is in the highest interests of the administration's Federal/non-Federal cost-sharing goals. Moreover, in the near term, the project will provide much needed jobs in northeastern Oklahoma as well as schools and other activities and facilities that will improve the overall tribal condition. Above all, it will greatly further the possibility of tribal independence from Federal subsidy programs.

This project is an excellent example of initiative to attain self-sufficiency on the part of the Cherokee Nation. I urge my colleagues to join me in supporting this highly worthy effort to utilize our Nation's resources while improving the economic standing of Oklahomans in a traditionally depressed geographical area.

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By Mr. BENTSEN (for himself, Mr. JOHNSTON, Mr. INOUYE, Mr. BURDICK, Mr. NUNN, Mr. HOLLINGS, Mr. MATSUNAGA, Mr. BRADLEY, Mr. LAXALT, Mr. QUAYLE, Mr. MCCLURE, Mr. THURMOND, and Mr. COCHRAN):

S.J. Res. 210. Joint resolution designating the week beginning on October 20, 1985, as "Benign Essential Blepharospasm Awareness Week"; to the Committee on the Judiciary.

BENIGN ESSENTIAL BLEPHAROSPASM AWARENESS WEEK

● Mr. BENTSEN. Mr. President, I am pleased to introduce today, along with 12 of my colleagues, a joint resolution designating the week beginning October 20, 1985 as "Benign Essential Blepharospasm Week."

Benign essential blepharospasm is a little understood, eye-related disease which causes uncontrollable spastic contractions of the muscles around the eye. While the disease is not fatal, it is progressive and can lead to functional blindness. As many as 500,000 Americans suffer from this debilitating disorder, yet neither the medical community nor the general public know very much about the illness. As a result, victims are often misdiagnosed or told that the problem is psychosomatic.

The Benign Essential Blepharospasm Foundation was formed in an attempt to heighten public awareness of blepharospasm, and is dedicated to discovering the cause and a cure for the disease. Part of its attention has been directed at generating a more widespread understanding of blepharospasm in the medical community. The Foundation recently helped arrange a conference at the National Institutes of Health to discuss the direction for future research on the disease. Scientists in attendance from around the country have begun submitting grant applications so that the search for the cause and a cure can begin in earnest.

In addition to sponsoring such activities, the Foundation has established support groups in every State in the Nation to encourage communication among persons afflicted with the disorder, and runs the only clearinghouse in the world for dissemination of information on blepharospasm. The Foundation has also been active in raising money from public and private sources to help support continued research.

I share with the Foundation and sufferers of blepharospasm the concern that we commit the resources necessary to conquer this disease. Designating a week to promote awareness of benign essential blepharospasm will lead to greater knowledge and understanding of the disease and hopefully an increase in medical research, with the result being on improvement in the ability of physicians to treat victims of blepharospasm.

Mr. President, I urge my colleagues to join us in support of this joint resolution.●

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By Mr. DURENBERGER:

S.J. Res. 211. Joint resolution to provide for the designation of the week beginning October 6, 1985, as "National Sudden Infant Death Syndrome Awareness Week"; to the Committee on the Judiciary.

NATIONAL SUDDEN INFANT DEATH SYNDROME AWARENESS WEEK

● Mr. DURENBERGER. Mr. President, each day some 20 infants in the United States succumb while asleep to the sudden infant death syndrome, which is commonly called SIDS. Before it was called SIDS it was known to many as crib death. There is no warning and no reason to expect that any particular baby will die. But 7,000 of them do die each year in this country—7,000 apparently normal and healthy infants between the ages of 1 week and 1 year.

Little is known about this mysterious syndrome. It appears to be as old as recorded history, and it strikes every ethnic group, every social class, every economic stratum, every region of the world.

The death of any child is a senseless tragedy which can totally disrupt the lives of parents and siblings. But a SIDS death or crib death often results in unique and particularly traumatic problems for the families of victims. Because SIDS is not well understood and because it is not well known among the public, the families of SIDS victims can often find themselves suspected of child abuse or child neglect. Even when an autopsy results in a formal finding of SIDS as the cause of death, friends, neighbors, and relatives often remain confused and parents often suffer from feelings of guilt. This added anguish can be helped with counseling where needed, but it can be avoided if more people are aware of SIDS in the first place. It was this reason that Congress passed legislation in 1974 to provide for counseling projects and medical protocol in SIDS cases.

But SIDS cuts a wider swath. Because it is not well understood, it can cause panic among parents of any young children. A few years ago, for example, a brief news item concerning a possible link between SIDS and certain innoculations—a link which was disproved—caused many parents to insist that their children not be innoculated. More horrifying, a number of unscrupulous people have been know to capitalize on the ignorance about SIDS to peddle quackery.

Substantial progress has been made in the investigation of SIDS in the past few years. It is possible that we may soon be able to identify infants who appear particularly susceptible to this pernicious killer. Once identified, they can be closely monitored so that resuscitation is undertaken as soon as needed. But diagnosis and prevention remain only distant goals, and research must be supported with contributions.

In other words, there is a clear need for more awareness of the sudden infant death syndrome. Greater knowledge by the public can help the parents of victims to avoid added anguish. Just as important, it can prevent panic among other parents. Finally, it can stimulate the contributions needed for further research.

Mr. President, for the last 13 years I have known Dr. Ralph Franciosi, a young pathologist in Minneapolis. He

has dedicated his life at the Children's Health Center in Minneapolis to the study of SIDS, and to trying to spread knowledge, information, and a greater awareness among the public. But it was not until I received a phone call about 5 o'clock in the morning from one of my legislative assistants who said only, "Something terrible has happened. Our baby is dead," that I felt as a U.S. Senator that I had to take it upon myself to inform my colleagues about their obligations to spread the word and increase the awareness of sudden infant death syndrome.

This joint resolution is only part of that process. What we and others do with this resolution from here on out is what will help other parents to avoid the problems experienced every year by 7,000 parents in this country.

That is why I have introduced this joint resolution designating the first week of October as "National Sudden Infant Death Syndrome Awareness Week."

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD at this point.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 211

Whereas Sudden Infant Death Syndrome is a recognized disease entity which kills thousands of infants each year in the United States;

Whereas Sudden Infant Death Syndrome is the leading killer of infants between the age of one week and one year;

Whereas Sudden Infant Death Syndrome knows no boundaries of race, ethnic group, region, class, or country;

Whereas the victims of Sudden Infant Death Syndrome are babies who appear healthy but who nonetheless die without warning during sleep and nap time;

Whereas the parents and siblings of Sudden Infant Death Syndrome often suffer anguish because many people are unaware of the existence of the pernicious killer;

Whereas research is underway throughout the world to identify the causes and process of the syndrome and to treat infants who can be identified as potential victims; and

Whereas as increase in national awareness of the problem of Sudden Infant Death Syndrome may ease the burden of the families of victims and may stimulate interest in increased research into the causes and the cure of Sudden Infant Death Syndrome: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the week beginning October 6, 1985, is designated as "National Sudden Infant Death Syndrome Awareness Week," and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this week with appropriate activities.●

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By Mr. ARMSTRONG:

S.J. Res. 212. Joint resolution providing for the convening, whenever the legislatures of two additional States pass a resolution to hold such a convention of a constitutional convention for the purposes of proposing an amendment relating to the balancing of the Federal budget; to the Committee on the Judiciary.

BALANCED BUDGET CONSTITUTIONAL CONVENTION CONVENING RESOLUTION

● Mr. ARMSTRONG. Mr. President, for many years the people have recognized that a menace has been growing in Washington, DC, that threatens the fiscal stability of the Government and the economic well-being of every family in the Nation. The danger arises from massive spending programs that Congress has built into our State and Federal systems over the past 50 years which are now increasing at a faster rate than our economic growth and outpacing the people's ability to pay for them.

Despite the imminent danger of huge and mounting deficits, it is not the Congress that is leading the fight to reform the profligate spending programs that are now embedded in the fabric of American law, it is the people themselves! Just last year while we in the Congress fiddled and once again failed to control runaway Federal spending, Missouri became the 32d State to petition Congress to either initiate a Federal balanced budget amendment or to call a constitutional convention for that purpose.

This grassroots effort is mounting because of the economic instability we have experienced over the last decade and a growing conviction that many of our economic ills stem from skyrocketing Federal deficits. Certainly we have made progress in the last 3 years in important areas—inflation is down, unemployment is down, interest rates are down. However, ever-growing Federal deficits threatened to undermine our recovery, sapping the new vitality that we have worked so hard to attain.

While Congress has been vacillating, citizens across the country have been organizing a drive to call a constitutional convention to develop and pass a balanced budget amendment. In the last 9 years, 32 States have passed petitions calling for a convention and 11 States have passed them twice. It is becoming a reasonable expectation that the State legislatures will be forced, by the failures of Congress, to call for a constitutional convention to consider a balanced budget amendment and thereby project the United States into an unprecedented situation.

To put this into perspective, article V of the Constitution sets forth two methods of proposing amendments. One method allows two-thirds of both Houses of Congress to propose a constitutional amendment. Our Founding Fathers provided another means that could be used in the event that Congress fails to respond to serious national problems. The Constitution allows two-thirds of the State legislatures to petition for the calling of a constitutional convention. Historically, Congress has taken the lead in proposing amendments to the Constitution to be later ratified by State legislatures or by a State convention called for that purpose. However, for the first time since the adoption of our Constitution in 1778, it appears that a constitutional convention will be called before Congress passes an amendment to the Constitution.

Because Congress has an overriding obligation to preserve the integrity of the Constitution, it has now become imperative that Congress map out a procedure with necessary safeguards to guarantee that the Constitution is not weakened or destabilized by a constitutional convention. There has been considerable concern and debate about the likelihood of limiting the debate to a single purpose. However, there is a reasonable basis for believing that a constitutional convention can be limited to the consideration of the balanced budget amendment and that reasonable procedures can be established for calling the convention, selecting delegates, and setting up guidelines that can remove much of the doubt and uncertainty that surrounds the calling of such a convention.

A 1973 American Bar Association study of the convention method of amending the constitution concluded:

> Congress has the power to establish procedures limiting a convention to the subject matter which is stated in the applications received from the State legislatures.

Former Senator Sam Ervin, a well-respected advocate of a balanced budget once stated:

> Fear of a runaway convention is just a nonexistent constitutional ghost conjured up by people who are opposed to balancing the budget, because they want to be able to promise special groups something for nothing out of an empty pocketbook.

In addition, there are a number of safeguards in place to prevent a constitutional crisis from developing. For example; (1) Congress can advance its own amendment making the calling of a convention unnecessary—even though to date it has not done so; (2) it can refuse to submit nonconforming amendments to the States for ratification; (3) since the results of the convention must be ratified by three-fourths of the States, only 13 States can block the action of the convention; (4) and finally, Congress can set up the procedures on how the convention conducts itself.

I would prefer to see Congress pass a balanced budget amendment before the final two States pass petitions. However, the immediacy of the situation requires that Congress address the legitimate concerns of how a constitutional convention should be orga-

nized and conducted in an orderly manner. Our $200 billion deficit has placed the fiscal stability of the U.S. Government in sufficient immediate jeopardy that we now do not have the luxury of time for drawn-out court proceedings on questions such as the validity of the petitions received and limiting the convention's activity to a single issue.

Today, I am introducing a balanced budget constitutional convention convening resolution to set forth the procedures of such a convention. An identical measure is being introduced in the House by Congressman KEN KRAMER, who has done the primary work on this proposal and deserves great credit for pulling it together. This measure is an historic first from this standpoint. This is the first time legislation had been introduced to carry out a single-purpose convention. It is also the first bill to specifically establish a timetable for the call of a convention.

This legislation would:

Declare the 32 State petitions already received to be valid and contemporaneous under the terms established in article V of the Constitution.

Establish an automatic mechanism for determining the validity of any new petitions.

Clearly limit the scope of the convention so it could only deal with the subject of drafting a balanced budget amendment.

Call for the balanced budget convention to be convened in Philadelphia within 180 days after the 34th application is determined valid.

Provide for selection and compensation of convention delegates, and describe their duties.

Limit the duration of the convention to 120 days.

Provide for ratification by State legislatures.

I do not personally favor a constitutional convention. But Congress cannot continue to neglect the concerns of the American people over the growing deficit and the future of our economy. This measure is designed to force Congress to approve a balanced budget amendment by in effect giving Congress an ultimatum—either act now or have a constitutional convention automatically convened if two more State petitions are received for a constitutional convention.

This is a time for the same quality of leadership and vision that was displayed by our Founding Fathers when they drafted the Constitution itself. There are uncertainties now, but nothing compared to the atmosphere in which those early visionaries completed their historic achievement. Now it is our turn to measure up to the demands of history.●

## ADDITIONAL COSPONSORS

S. 361

At the request of Mr. MOYNIHAN, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 361, a bill to amend the Internal Revenue Code of 1954 to make permanent the deduction for charitable contributions by nonitemizers.

S. 554

At the request of Mr. ROTH, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 554, a bill to amend title 18, United States Code, to include the transportation of males under the Mann Act, to eliminate the lewd and commercial requirements in the prosecution of child pornography cases, and for other purposes.

S. 1209

At the request of Mr. CHILES, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1209, a bill to establish the National Commission to Prevent Infant Mortality.

S. 1250

At the request of Mr. HEINZ, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 1250, a bill to amend the Internal Revenue Code of 1954 to extend the targeted jobs tax credit for 5 years, and for other purposes.

S. 1259

At the request of Mr. THURMOND, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 1259, a bill to correct certain inequities by providing Federal civil service credit for retirement purposes and for the purpose of computing length of service to determine entitlement to leave, compensation, life insurance, health benefits, severance pay, tenure, and status in the case of certain individuals who performed service as National Guard technicians before January 1, 1969.

S. 1325

At the request of Mr. HEINZ, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 1325, a bill to amend titles XVIII and XIX of the Social Security Act to require second opinions with respect to certain surgical procedures as a condition of payment under the Medicare and Medicaid Programs.

S. 1414

At the request of Mr. BENTSEN, the name of the Senator from Colorado [Mr. HART] was added as a cosponsor of S. 1414, a bill to provide additional funding and authority for the Federal Bureau of Investigation in order to improve the counterterrorist capabilities of the Bureau.

S. 1427

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska [Mr. ZORINSKY] was added as a cosponsor of S. 1427, a bill to prohibit the suspension of an employee's benefit accrued under a retirement plan solely because of age before accruing the maximum normal retirement benefit.

S. 1450

At the request of Mr. HEINZ, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 1450, a bill to prohibit the Secretary of Health and Human Services from changing reimbursement levels or methodologies for home health services under the Medicare Program prior to October 1, 1986, or during a freeze period.

S. 1542

At the request of Mr. MCCLURE, the name of the Senator from Montana [Mr. MELCHER] was added as a cosponsor of S. 1542, a bill to amend the National Trails System Act by designating the Nez Perce (Nee-Me-Poo) Trail as a component of the National Trails System.

S. 1652

At the request of Mr. HEINZ, the names of the Senator from Michigan [Mr. LEVIN] and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 1652, a bill to amend the Internal Revenue Code of 1954 to make permanent the exclusion for amounts received under qualified group legal services plans.

S. 1679

At the request of Mr. GRASSLEY, the names of the Senator from Rhode Island [Mr. PELL] and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of S. 1679, a bill to strengthen provisions of the law that provide safeguards when imports threaten to impair the national security.

S. 1692

At the request of Mr. STEVENS, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 1692, a bill to amend title 39, United States Code, to postpone the scheduled increase in postage rates for nonprofit and certain other mailers until January 1, 1986 and for other purposes.

SENATE JOINT RESOLUTION 34

At the request of Mr. QUAYLE, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of Senate Joint Resolution 34, a joint resolution to designate the week of October 6, 1985, through October 12, 1985, as "National Children's Week."

SENATE JOINT RESOLUTION 74

At the request of Mr. THURMOND, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of Senate Joint Resolution 74, a joint resolution to provide for the designation of the month of February,

1986, as "National Black (Afro-American) History Month."

SENATE JOINT RESOLUTION 102

At the request of Mr. ZORINSKY, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of Senate Joint Resolution 102, a joint resolution to establish a National Commission on Illiteracy.

SENATE JOINT RESOLUTION 190

At the request of Mr. ROTH, the names of the Senator from Kansas [Mr. DOLE], the Senator from Rhode Island [Mr. CHAFEE], the Senator from New York [Mr. MOYNIHAN], and the Senator from New Hampshire [Mr. HUMPHREY] were added as a cosponsors of Senate Joint Resolution 190, a joint resolution to establish greater productivity in Federal Government operations as a national goal of the United States.

SENATE JOINT RESOLUTION 195

At the request of Mr. KASTEN, the names of the Senator from Illinois [Mr. SIMON], the Senator from North Carolina [Mr. EAST], the Senator from Massachusetts [Mr. KERRY], the Senator from Idaho [Mr. MCCLURE], the Senator from Georgia [Mr. NUNN], and the Senator from Indiana [Mr. QUAYLE] were added as a cosponsors of Senate Joint Resolution 195, a joint resolution to designate the week of October 20, 1985, through October 26, 1985, as "National Temporary Services Week."

SENATE JOINT RESOLUTION 208

At the request of Mr. COCHRAN, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of Senate Joint Resolution 208, a joint resolution to designate the week of October 27, 1985 through November 2, 1985, as "National Alopecia Awareness Week."

SENATE CONCURRENT RESOLUTION 39

At the request of Mr. DODD, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of Senate Concurrent Resolution 39, a concurrent resolution expressing the support of the Congress for Costa Rica's neutrality and urging the President to support such neutrality.

SENATE CONCURRENT RESOLUTION 68

At the request of Mr. DURENBERGER, the names of the Senator from Oregon [Mr. HATFIELD], the Senator from Pennsylvania [Mr. HEINZ], the Senator from California [Mr. WILSON], and the Senator from Minnesota [Mr. BOSCHWITZ] were added as a cosponsors of Senate Concurrent Resolution 68, a concurrent resolution expressing support for Chile's National Accord for the Transition to Full Democracy.

SENATE CONCURRENT RESOLUTION 71

At the request of Mr. WEICKER, the names of the Senator from South Dakota [Mr. ABDNOR], the Senator from Texas [Mr. BENTSEN], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from North Dakota [Mr. BURDICK], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Florida [Mr. CHILES], the Senator from Mississippi [Mr. COCHRAN], the Senator from Connecticut [Mr. DODD], the Senator from Kansas [Mr. DOLE], the Senator from Missouri [Mr. EAGLETON], the Senator from Nebraska [Mr. EXON], the Senator from Kentucky [Mr. FORD], the Senator from South Carolina [Mr. HOLLINGS], the Senator from California [Mr. WILSON], the Senator from Nebraska [Mr. ZORINSKY], the Senator from Hawaii [Mr. INOUYE], the Senator from Michigan [Mr. LEVIN], the Senator from Maryland [Mr. MATHIAS], the Senator from Montana [Mr. MELCHER], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Ohio [Mr. METZENBAUM], the Senator from Maine [Mr. MITCHELL], the Senator from New York [Mr. MOYNIHAN], the Senator from Georgia [Mr. NUNN], the Senator from Indiana [Mr. QUAYLE], the Senator from Michigan [Mr. RIEGLE], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Maryland [Mr. SARBANES], the Senator from Tennessee [Mr. SASSER], the Senator from Mississippi [Mr. STENNIS], and the Senator from Virginia [Mr. TRIBLE] were added as cosponsors of Senate Concurrent Resolution 71, a concurrent resolution to commemorate the accomplishments of Public Law 94-142 The Education for All Handicapped Children Act on the 10th anniversary of its enactment.

SENATE RESOLUTION 96

At the request of Mr. GOLDWATER, the names of the Senator from Colorado [Mr. ARMSTRONG], the Senator from Montana [Mr. BAUCUS], the Senator from Oklahoma [Mr. BOREN], the Senator from New Jersey [Mr. BRADLEY], the Senator from North Dakota [Mr. BURDICK], the Senator from Alabama [Mr. DENTON], the Senator from Connecticut [Mr. DODD], the Senator from Kansas [Mr. DOLE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Nebraska [Mr. EXON], the Senator from Texas [Mr. GRAMM], the Senator from Colorado [Mr. HART], the Senator from Utah [Mr. HATCH], the Senator from Alabama [Mr. HEFLIN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Hawaii [Mr. INOUYE], the Senator from Wisconsin [Mr. KASTEN], the Senator from Massachusetts [Mr. KERRY], the Senator from Nevada [Mr. LAXALT], the Senator from Michigan [Mr. LEVIN], the Senator from Idaho [Mr. MCCLURE], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Georgia [Mr. MATTINGLY], the Senator from Georgia [Mr. NUNN], the Senator from South Dakota [Mr. PRESSLER], the Senator from Mississippi [Mr. STENNIS], the Senator from Alaska [Mr. STEVENS], the Senator from Virginia [Mr. WARNER], and the Senator from California [Mr. WILSON] were added as cosponsors of Senate Resolution 96, a resolution relating to the centennial observance of the University of Arizona.

SENATE RESOLUTION 222

At the request of Mr. DODD, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of Senate Resolution 222, a resolution expressing the support of the Senate for the agreement by opposition political parties in Chile calling for a transition to full democracy in that country, and for other purposes.

## SENATE RESOLUTION 236—AUTHORIZING TESTIMONY OF A SENATE EMPLOYEE

Mr. DOLE (for Mr. KASTEN) submitted the following resolution; which was considered and agreed to:

S. RES. 236

Whereas, in the case of *United States* v. *Amy Walls, et al.*, Petty Offense Violation No. J0027221/WE40, pending in the United States District Court for the Eastern District of Wisconsin, the defendants have obtained a subpoena for the appearance of David Krahn, Senator Bob Kasten's State Director;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that the testimony of an employee of the Senate is needful for use in any court for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistent with the privileges and rights of the Senate. Now, therefore be it

*Resolved*, That David Krahn is authorized to appear and testify in the case of *United States* v. *Amy Walls, et al.*, except concerning matters which may be privileged.

## NOTICES OF HEARINGS

SUBCOMMITTEE ON ENERGY REGULATION AND CONSERVATION

Mr. NICKLES. Mr. President, I would like to announce for the information of the Senate and the public, that the Subcommittee on Energy Regulation and Conservation of the Committee on Energy and Natural Resources has rescheduled the oversight hearing it previously had scheduled for September 24, 1985. The hearing now will be held on Friday, October 18, 1985, at 9 a.m. in room SD-366 in the Senate Dirksen Office Building in Washington, DC.

Testimony will be received on innovative approaches in industrial energy efficiency. Those wishing to testify or submit a written statement for the hearing record should write to the Subcommittee on Energy Regulation

and Conservation, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC. 20510.

For further information regarding this hearing, please contact Mr. Al Stayman, 202-224-2366.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, the Senate Committee on Governmental Affairs will hold a business meeting on Wednesday, October 2 at 1:30 p.m., in room SD-342. Under consideration will be civil service pension reform legislation, presidential libraries legislation and the nomination of Bill Colvin for inspector general at the National Aeronautics and Space Administration and Barbara Mahone for Chairman of the Special Panel on Appeals. For further information, please contact the committee office at 224-4751.

## AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON AVIATION

Mr. DOLE. Mr. President, I ask unanimous consent that the Subcommittee on Aviation of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, October 1, to conduct a meeting on aviation safety.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

## ORANGE COUNTY AFRICAN RELIEF FUND

● Mr. KENNEDY. Mr. President, over the past year, as we all know, there has been an extraordinary outpouring of support from the American people in behalf of the famine relief efforts in Africa. Thanks to the contributions of millions of Americans across our country, we have been the leader in offering a helping hand to Africa.

There have been countless individual efforts, large and small, to raise funds for the relief programs of the voluntary and church agencies working in the field. They prove, once again, that an individual can make a difference.

An example of this was the action last year by two students at the University of California at Irvine to organize a fast to raise funds for Oxfam/America's relief program in Ethiopia, Sudan, and other areas of Africa.

Reading about the efforts of these students inspired David Stein and Barry Brief, partners in an Orange County land development company, to ask their friends and business associates to contribute as well. The fund jumped from $3,000 to $30,000 in only a few days. What began as a 1-day fast had blossomed into a countywide fundraising effort referred to as the Orange County African Relief Fund.

Contributions from hundreds of individuals and businesses pushed the amount of the fund over the $100,000 mark by the end of January 1985. A $100,000 donation made jointly by the Ahmanson Foundation and Fieldstead & Co., in June 1985 increased the total amount raised for the fund to over $200,000.

They have now announced that the Orange County African Relief Fund will sponsor an annual fundraising event in conjunction with the "Fast for a World Harvest" program conducted by Oxfam America during the week prior to Thanksgiving. The fund has been endorsed by the Orange County Board of Supervisors, the Orange County Chapter of the National Conference of Christians and Jews, and several Orange County municipalities.

Mr. President, I want to commend them for their outstanding efforts and to share with my colleagues some articles describing their work in behalf of African famine relief over this past year. I ask that they be printed in the RECORD.

The articles follow:

[From the Los Angeles Times, Nov. 23, 1984]

FASTERS FEAST ON FULFILLMENT

UCI STUDENTS RAISE $32,138 TO HELP FEED THE WORLD'S HUNGRY

(By Susan McCallum)

When Johannes Von Vugt told people he wanted to raise $10,000 to help feed the world's starving people, they told him he was being unrealistic and would be lucky to raise $200.

But he and five friends, all fellow students at UC Irvine, refused to eat until they got what they wanted.

Wednesday, when Von Vugt collected the 32,138th dollar since the fast began last Thursday, he hugged the other fasters and congratulated them on reaching their goal in time for Thanksgiving.

"Once they knew we meant business, the people who said we could only make $200 made us a sign to show how much we accumulate," Von Vugt, a 30-year-old graduate student, said between bites of his first meal in a week. "They realized we had conviction and would go through with it to the end."

Several corporations had promised the fasters that once private donations reached $10,000, the companies would add to—and in one case match—the total.

Von Vugt and Allen Affeldt, 24, camped in the school quad as they fasted to draw attention to their fund-raiser, which benefited Oxfam America, a nonprofit international relief agency.

"The first two days were the worst. We had headaches and felt really weak," Affeldt said. "But after that, your metabolism shifts and you don't feel the food loss so strongly." After the first two days, he said, "you're always cold, even during the day. We'd have jackets and three layers of clothes on and we'd still be shivering. But friends could come by and hug us and tell us how good we were doing, and that made us feel better."

The fasters, who included students Jon Hanson, Genny Grisham, Brian Moffat and Dorit Ilani, reached their goal Wednesday afternoon, when Huntington Beach High School students pitched in $700 they raised from classmates.

Anne Reinhart, leader of the club that conducted the high school fund drive, said the group, Doors to New Generations, is "trying to bring back the human interest of the '60s, when people really cared about each other, instead of the economic world of the '80s, when people only worry about how much money they make."

The fasters, who were advised by a doctor to drink apple juice and nutritional drinks after the fifth day of the fast, ate chicken broth with rice Wednesday and said they would increase their food intake that night and today, culminating in Thanksgiving dinner.

After the goal was reached, David Stein, president of Stein-Brief Group, a Laguna Niguel construction and development firm, presented $10,000 from his company and several checks from other Orange County corporations.

"We were concerned about the plight of the Africans, but we didn't know what we could do about it," Stein said. "By supporting these people, we could double the importance of what we did, and it made us feel twice as good."

Other Orange County corporations that contributed are the R.E. Needham and Associates real estate firm ($4,500), Arthur Young accounting firm ($1,000), Bobbie Gee corporate image consultants ($500), Henry Segerstrom of Segerstrom and Sons ($500), and Kerr and Associates public relations and advertising firm ($250).

[From the Daily Pilot, Nov. 23, 1984]

UCI PAIR REMIND US WE OWE DEBT TO LESS FORTUNATE

When you counted your blessings yesterday, perhaps you remembered Allan Affeldt and Johannes Van Vugt. These two have done as much for the spirit of Thanksgiving as the Pilgrims.

Affeldt and Van Vugt, graduate students at UC Irvine, began a fast last week to call attention to the fact that people around the world are starving to death. They asked for monetary donations to be channeled through a relief organization to feed the hungry and vowed not to eat until they had raised $10,000.

The response was heartwarming. As word spread, contributions grew. At least on paper, the goal was reached early this week when the the Stein-Brief Group—a Laguna business—pledged to match whatever amount of money Affeldt and Van Vugt raise. The total when the fast ended Wednesday was more than $30,000.

It is hard to realize, as we eat our fill of turkey and stuffing and pumpkin pie, that thousands of humans are dying of starvation daily in Ethiopia. It is difficult to imagine those people as our brothers and sisters, as our neighbors, as members of the same global community we inhabit.

But committed people like Affeldt and Van Vugt remind us that we are not helpless and we need not be careless. We can do something significant for people who desperately need relief from the ravages of drought or overpopulation or barren soil. We can, simply by donating some money, make a difference. We can, simply by caring about other people, make the world a better place in which to live.

It's easy to forget our ties to the less privileged. It's good to be reminded that we can do something important.

Affeldt and Van Vugt deserve our thanks for reminding us.

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[From the Irvine World News, Jan. 31, 1985]

OC RELIEF FUND RAISES $100,000 FOR ETHIOPIA

The Orange County African Relief Fund has surpassed its goal to raise $100,000 for the starving people of Ethiopia, it was announced by Chris Townsend, spokesman for the relief fund.

"We have topped our goal, but we're not going to let the momentum slow down," said Townsend. "We plan to issue a challenge to the neighboring counties of Los Angeles, Riverside and San Diego to match the total raised by Orange County."

The fundraising campaign culminated in a black-tie dinner at the Hotel Meridien Newport Beach on Jan. 23. Guests attending the dinner donated $2,500 per couple to the relief fund, bringing the current total to $102,807.

State Senator John Garamendi, who recently returned from a tour of Ethiopia, was guest speaker at the dinner. Garamendi discussed how the funds are being put to use, and the impact they have had on the famine-stricken nation.

The dinner was hosted by David Stein, president of the Stein-Brief Group, and his partner Barry Brief.●

## THE WORKMEN'S CIRCLE

● Mr. MOYNIHAN. Mr. President, the Workmen's Circle is an important advocate of Jewish rights and the civil rights of all peoples. Headquartered in New York, this organization celebrates its 85th anniversary this year. Since its inception, the Workmen's Circle has worked to encourage democratic goals and increase public awareness for issues of human freedom.

Among the many well-wishers joining in the Workmen's Circle's 85th anniversary celebration, Gov. Mario M. Cuomo of New York sent a particularly inspiring message, and I ask that the text of Governor Cuomo's letter be printed in the RECORD following my remarks.

STATE OF NEW YORK,
*Albany, July 31, 1985.*

Dr. BARNETT ZUMOFF,
*President, the Workmen's Circle,*
*New York, N.Y.*

DEAR DR. ZUMOFF: It gives me great pleasure to extend greetings to all gathered to celebrate the 85th anniversary of the Workmen's Circle.

The Workmen's Circle has played and continues to play a very prominent role in the American Jewish community. Since its founding in 1900 as a self-help organization, the Circle has been a champion of strengthening democratic institutions and programs seeking to establish an atmosphere of true freedom based on human dignity.

Congratulations on this auspicious occasion, and may you have continued success in all your endeavors.

Sincerely,

MARIO M. CUOMO.●

## THE GATT DISPUTE SETTLEMENT PROCESS

● Mr. WILSON. Mr. President, I wish to have the text of my letter to Kenneth R. Mason, Secretary of the International Trade Commission, printed at an appropriate place in the RECORD.

The information contained within the letter may be useful to my colleagues involved with international trade issues. In addition, my comments are relevant to the "Fair Access to Foreign Markets Act," S. 1370, which I introduced in the Senate on June 27, 1985.

The letter follows:

U.S. SENATE,
COMMITTEE ON AGRICULTURE,
NUTRITION, AND FORESTRY,
*Washington, DC, September 26, 1985.*

Hon. KENNETH R. MASON,
*Secretary, International Trade Commission,*
*Washington, DC.*

DEAR SECRETARY MASON: I am writing to you regarding the Section 332 study requested by the Committee on Finance of the U.S. Senate to review the effectiveness of trade dispute settlement under the GATT and Tokyo Round agreements.

I commend the Senate Finance Committee for requesting this important and timely study. As a member of the Senate Committee on Agriculture, Nutrition, and Forestry, I am fully aware of the difficulties involved in dispute settlement procedures under the GATT—in particular our inability to resolve several long-standing Section 301 unfair trade cases.

Throughout the past decade, the European Economic Community has repeatedly rebuffed extensive U.S. efforts to resolve these matters through bilateral consultations and multilateral negotiations, as well as through consultation under the provisions of the GATT.

California's agricultural industry, including producers of canned fruit, raisins and citrus, has long endured financial hardship because of the EEC's unfair trade and subsidy practices and its disregard for the GATT dispute settlement process. Fair restitution under the dispute settlement process of the GATT has also been denied to producers of wheat flour, pasta and poultry.

Investigatory panels, established by the GATT to review separately each of the United States complaints, concluded that EEC subsidies and discriminatory tariffs had nullified and impaired rights of U.S. exporters and were in violation of the GATT. The panels recommended that the EEC take steps necessary to rectify these situations. The EEC has effectively and repeatedly prevented adoption by the GATT of each of these reports, most recently the favorable report involving the fifteen-year old citrus complaint.

The citrus 301 case best illustrates the futility of the GATT dispute settlement process. The GATT investigatory panel took extra care to make pragmatic recommendations to resolve the dispute. In December 1984, the GATT panel found that EEC tariff preferences on fresh oranges and lemons from the Mediterranean region nullify or impair previous U.S. tariff concessions, denying U.S. citrus growers access to a $50 million market and causing adverse trade effects for the U.S. The panel did not, however, find the EEC's preferential arrangements to be a violation of the GATT. To remedy the situation, the panel recommended that the EEC simply reduce the Most-Favored-Nation (MFN) duty it assesses. Nevertheless, the European Community will not accept the citrus panel's findings because if fears that these findings will set a dangerous precedent for continued operation of its preferential tariff system with the Mediterranean countries.

The citrus case remains unresolved. Although a truce has been arranged in the "pasta war" that was precipitated by the EEC's intransigence and retaliatory actions, it still is not clear whether the EEC will come to the negotiating table at the end of October, which is the agreed upon deadline for resolution of the dispute, with an acceptable settlement for American citrus producers.

Another deadline of December 1, which was established by President Reagan in a recent speech, is quickly approaching for resolution of the canned fruit subsidies 301 case. The choice of the canned fruit subsidies case is meant to warn the EEC that the United States will not tolerate further delays in GATT dispute settlements. While this is a commendable stance, it is long overdue. In June of this year, I introduced the "Fair Access to Foreign Markets Act" which would require the President to take all appropriate and feasible action to ensure prompt and satisfactory resolution of all Section 301 complaints currently pending before the GATT. In addition, the bill provides that the U.S. will withdraw additional concessions to counter any EEC retaliatory action and rebalance the level of concessions in U.S.-EEC trade.

If international dispute settlement procedures actually produced solutions, this type of legislation would not be necessary. Until the effectiveness of the dispute settlement process is improved, then, in my opinion, such legislation is essential.

Multilateral cooperation in solving unfair international trade disputes should still be our long-term goal. As a result, the ITC in its study to determine the effectiveness of trade dispute settlement has a timely and realistic opportunity to make recommendations to change and improve the system.

In my opinion, there are two major areas of weakness in the dispute settlement process: the amorphous standards of international trade currently in place and the lack of clarity in the powers and responsibilities of GATT panels.

The first problem is in the Subsidies Code produced in the Tokyo Round of multilateral negotiations. A major problem with the Code is the unclear standards it sets for allowed use of subsidies, particularly for agricultural export subsidies. For agricultural products, the Subsidies code reaffirms provisions of the GATT by saying export subsidies are permitted, but may not be used to gain more than an equitable share of the world export trade or to undercut world prices.

It is the term "equitable share of the world market" that creates problems. Many GATT members—and foremost among them our European competitors—do not agree on what constitutes an equitable share of the market or whether any market share gained through subsidies is necessarily inequitable. When standards are as loosely defined as for agricultural export subsidies in the Code, it becomes unrealistic to expect an offending party to accept dispute settlement findings based on such subjective definitions.

I understand that the GATT Committee on Trade in Agriculture (CTA) is attempt-

ing, rather unsuccessfully, to strengthen and improve GATT agricultural rules as a basis for future efforts to secure trade liberalization. The U.S. proposal for a general prohibition on the use of subsidies—subject to clearly defined and limited exceptions, along with improvements in existing rules—is a commendable, although perhaps unrealistic, position. However, the EEC's desire only to "clarify" existing rules on export subsidies, rather than to rewrite them, does not offer much hope for consensus. Moreover, the EEC has indicated that it is not prepared to give up its rights to subsidize agricultural exports as long as these subsidies do not lead to more than an equitable share of the market for the exporter.

The Subsidies Code could be a useful tool in the dispute settlement process, or in limiting future unfair trade practices, if the problems created by agricultural export subsidies could be overcome. Strengthening the Subsidies Code for agriculture should be a priority in the ITCs's recommendations.

The second major area of weakness in the GATT dispute settlement process involves the purpose of GATT panels, themselves. This fundamental philosophical question underlies any future changes in the GATT dispute settlement process: Is it to be a consultative, conciliatory process or will the Contracting Parties agree to abide by decisions made through arbitration and sanction powers granted to the GATT?

GATT panel procedures are often perceived as ineffective because panelists regard their role more as conciliation than arbitration. A more clearly defined arbitration role, with commensurate powers to impose GATT-sanctioned retaliation or compensation, would begin to make the dispute settlement process more effective. Under the present system, GATT-sanctioned economic pressures are rarely brought to bear in an unfair trade case because the GATT investigatory panel reports setting forth recommended sanctions can be vetoed by any one member of the GATT, including the violating country.

One practical change the ITC could explore involves the procedure by which GATT panel reports are adopted. Rather than strict consensus, perhaps consensus minus the vote of the disputants is a viable option. While the non-voting countries could still attempts to persuade their allies to block adoption of a report, the habitual blocking of panel reports, to which we have become accustomed, would be made more difficult. A voting procedure requiring something less than unanimity should also be explored. I would recommend that the ITC's study and recommendations focus upon and attempt to resolve this problematic area.

I fully realize that a move towards a more definitive role for GATT panels is not universally shared. For example, the EC often contends that the GATT cannot be compared to a court. They argue that it is a contract between ninety separate countries which still retain their national sovereignty. The EC feels GATT panel reports should be taken as a basis for consultation and further negotiaton—"not as decrees from some imaginary world court." Technically, this may not be an incorrect interpretation; however, until participants agree on the purpose and powers of the GATT process, we cannot expect dispute settlement to work.

In addition to these two areas, I would hope that the ITC in making its recommendations will also consider the monetary effects that years of subsidized competition and GATT dispute settlement failures have had on U.S. producers and exporters: citrus producers have lost an estimated $48 million per year due to the EEC's preferential tariffs; canned peach exporters have seen their exports to the EEC dwindle from $6 million in 1981 to $126,000 in 1984; and poultry exports to the Middle East valued at $47 million in 1980 plummeted to less than $340,000 by the end of last year.

The time has come for substantive changes in the international dispute settlement process, not only to make it work for the victims of unfair trade practices, but to give the multilateral approach to resolving differences one more chance before individual nations are left no choice but to deal with unfair trade through unilateral or retaliatory actions.

Sincerely,

PETE WILSON.●

## SUPERFUND IMPROVEMENT ACT OF 1985—S. 51

● Mr. DODD. Mr. President, I rise in strong support of the Superfund Improvement Act of 1985. This legislation, S. 51, embodies the Federal Government's continuing commitment to protect the health of our citizens and the quality of our environment from the dangers posed by thousands of abandoned toxic waste sites throughout the Nation.

In 1980, Congress first enacted the Comprehensive Environmental Response, Compensation, and Liability Act, which later became known as Superfund. This legislation was the product of a long and deliberative process, during which Congress and the Nation as a whole became painfully aware of the great threat which abandoned hazardous waste sites posed to human health and safety. The legacies of Love Canal and Times Beach made us realize that our quality of life could instantly be destroyed by chemical hazards beyond our control.

The 1980 Superfund law authorized a 5-year, $1.6 billion program to clean up releases of hazardous substances, pollutants, and contaminants. The principles of that law were simple and straightforward and from the foundation for the reauthorizing legislation: When those who create waste sites can be found, the Superfund law requires that they pay cleanup costs and accept liability for any environmental damage or human injury caused by the toxic substances. If the responsible party cannot be found or cannot afford to pay, the Superfund itself is used to finance a direct cleanup action by the Environmental Protection Agency [EPA], or by the State in which the site is located.

S. 51 would authorize $7.5 billion for Superfund activities over the next 5 years. This multifold increase in funding is clearly warranted given the extraordinary demands that will be placed on the program in the coming years. EPA's national priority list, which includes only the very worst sites in the Nation, currently exceeds 800 sites and is growing rapidly. According to an EPA study released last December, the NPL will eventually contain between 1,500 and 2,500 sites. This estimate does not include the 20,000 or more sites which pose a less immediate threat to the environment and public health. Of course, the longer those sites go unattended, the more likely they are to be listed on the NPL in the future.

Just as disturbing as the potential number of priority sites is EPA's estimate of the cost of cleaning these sites up. EPA concluded in its recent study that Superfund's future funding needs could range from $7.6 billion to $22.7 billion in fiscal year 1983 dollars. Specifically, EPA estimated that $11.7 billion would be needed to address the 1,800 sites that the Agency anticipates will eventually comprise the NPL. Clearly, this is a far cry from the $1.6 billion which we authorized in 1980.

I am deeply concerned about the six current NPL sites which are located in my home State of Connecticut. While cleanup activities have not been completed at any of these locations, EPA has obligated over $3.3 million for remedial actions in our State thus far. I will continue to closely monitor EPA and State activities at these sites and will do everything in my power to see that cleanup actions move forward as soon as possible. The Connecticut sites include:

| Name | Location | NPL ranking |
|---|---|---|
| Laurel Park | Naugatuck | 80 |
| Old Southington Landfill | Southington | 113 |
| Beacon Heights Landfill | Beacon Falls | 203 |
| Solvents Recovery Service | Southington | 228 |
| Kellogg-Deering Well | Norwalk | 316 |
| Yaworski Waste Lagoon | Canterbury | 374 |

Mr. President, in addition to providing for a fivefold increase in the size of Superfund, S. 51 would establish strict cleanup standards to be applied at all Superfund sites. I was most pleased to see a ground water protection provision included in the bill, which would require EPA to clean up contaminated aquifers and surface water as part of its remedial action at Superfund sites. EPA would also be required to provide household replacement water, as well as drinking water, when contaminated water supplies or water supply systems are replaced by the Agency. This provision is especially important to the State of Connecticut, which has been especially hard hit by ground water contamination problems.

S. 51 also includes new health provisions that would direct and authorize funds for the testing of toxic chemicals most commonly found at Superfund sites. The bill would require that health assessments be done at every site listed on the NPL, and that a more effective program be established for providing information to citizens

about the health ramifications of exposure to nearby Superfund sites.

S. 51 also incorporates a citizen suit provision which would provide citizens with the right to sue in Federal court to enforce Superfund standards and regulations. The bill also strengthens the existing standard of strict, joint, and several liability for those who engage in activities which result in the illegal release of hazardous substances.

With respect to State participation in the Superfund Program, S. 51 would allow a State to spend its own money to conduct early cleanup at a Superfund site, with the assurance that it will be reimbursed by the fund for authorized expenditures. The bill also includes improved notification standards which would require immediate notification of State and local officials in the event of a release of a "reportable quantity" of a hazardous substance. Finally, S. 51 would exempt State and local governments from liability under Superfund in cases where title or control of a site has shifted to them by virtue of abandonment, bankruptcy, tax delinquency, or foreclosure.

One provision which I was disappointed not to see included in S. 51 relates to the problem of leaking underground storage tanks. In Connecticut, leaking underground gasoline tanks are among the primary causes of ground water and soil contamination by toxic substances. Yet, because petroleum products are not classified as hazardous substances under Superfund law, the program cannot be used for remedial actions or to hold responsible parties liable for such leaks. The House Energy and Commerce Committee has addressed this problem in its version of the Superfund bill, and I hope the Senate sponsors of S. 51 will seriously consider the House proposal during the upcoming House-Senate conference on the Superfund reauthorization.

Mr. President, the $7.5 billion authorized in S. 51 would be raised through a unique combination of two taxing mechanisms. A total of $1.5 billion would be raised through an extension of the current feedstock tax on 42 designated petrochemical products. The remaining $6 billion would be raised through a broad-based excise tax on all manufacturers with sales receipts of more than $5 million per year. There would be no excise tax on exported products and manufacturers would be allowed to take a tax credit for the amount by which the excise tax increased the costs of their wholesale purchases.

While, I applaud the members of the Senate Finance Committee for their valiant effort to devise a fair means of raising Superfund revenue, I feel compelled to express my opposition to the very concept of a broad-based excise tax. I believe that the excise tax is regressive by its very nature and would more than likely be passed along to consumers in the form of higher prices for manufactured goods. For this reason, when S. 51 is considered in the House-Senate conference, I hope the Senate sponsors of the excise tax will take a long, hard look at alternative financing mechanisms.

Mr. President, I urge my colleagues to lend their full support to the Superfund Improvement Act of 1985. It is time to move faster, to rid our environment of the wastes that are poisoning our land and water, and threatening our citizens. Passage of S. 51 would be one of the most effective steps we could take to protect ourselves, our environment, and future generations from the specter of toxic contamination.

Former U.N. Secretary-General Kurt Waldheim once wrote:

> Many civilizations in history have collapsed at the very height of their achievement because they were unable to analyze their basic problems, to change direction, and to adjust to the new situations which faced them.

We in Congress have analyzed the basic problem, and now we have a chance to change direction. I hope we will not allow this opportunity to pass us by.●

## THE RETIREMENT OF GENERAL VESSEY FROM THE JOINT CHIEFS OF STAFF

● Mr. BOSCHWITZ. Mr. President, I stand before you today to honor a man who has served our country for the past 46 years. Gen. John W. Vessey, Jr., retires today as Chairman of the Joint Chiefs of Staff with a distinguished record of service to the U.S. Armed Services.

General Vessey joined the Minnesota National Guard in 1939 at the age of 16. He was called to active duty 2 years later and was a member of one of the first Infantry Divisions to go overseas. Vessey fought through the entire length of the campaign and it was there that he began to establish not only his military courage, but also his leadership. He went from enlisted man and GI to officer and gentleman in World War II and was commissioned on the Anzio beachhead in Italy on May 6, 1944.

Vessey also distinguished himself in Vietnam with his efforts at the Battle of Suoi Tre in 1967, where his battalion was attacked by five North Vietnamese battalions. Vessey won the Distinguished Service Cross, the highest award for battlefield valor behind the Congressional Medal of Honor. Vessey also won the Distinguished Service Medal while on assignment in Southeast Asia directing anti-Communist tribes in Laos.

After valiant service on the battlefield, Vessey continued his noteworthy career in the military. As a brigadier general, he assumed top staff positions in Washington and the United Nations, as well as commanding a division in Colorado and all forces in South Korea.

Vessey exemplified outstanding service not only in his rise to Chairman, but also in his method of achieving that goal. He has more field experience than all of the nine previous Chairmen combined and is the only Chairman to have won a battlefield commission. He was not a career officer, nor was he a graduate of West Point. In essence, Vessey rose from the lower ranks to that of Chairman of the Joint Chiefs of Staff using the finest of military qualities.

General Vessey is also perhaps the most important military figure in his home State of Minnesota. Since his start in the Minnesota National Guard, Vessey has exemplified to all Americans the strong, trustworthy and kind people of the Midwest, and continues to do so through his close ties with the National Guard in Minnesota.

Just as General Vessey's time on the battlefield has been outstanding, so, too, has his work as Chairman of the Joint Chiefs of Staff. Vessey has reportedly worked more closely with the President than in administrations past and has undertaken the task of making the chairmanship a more powerful position.

Vessey, for all his accomplishments, has generally remained out of the public eye and away from notoriety, and such an occurrence is by choice rather than circumstance. His legacy has been one of silent, powerful leadership, and its effectiveness can be judged by the regard in which he is held by his colleagues. His retirement is the commencement not only of an outstanding military career, but also of a leadership force on the Joint Chiefs of Staff. General Vessey has served in the Armed Forces with pride and dignity, and has also commanded the 2.1 million men and women in the armed services with the same exemplary form. His retirement today is the culmination of a superb career, the effect of which cannot and should not soon be forgotten.

I would also like to insert in the RECORD the following article, "Vessey topping off long climb," written by Dane Smith, a reporter with the St. Paul Pioneer Press/Dispatch.

The article follows:

VESSEY TOPPING OFF LONG CLIMB

(By Dane Smith)

WASHINGTON.—When 16-year-old Jack Vessey fudged on his age and signed up with the Minnesota National Guard in 1939, he was thinking of little more than high leather boots, motorcycles and the camaraderie of weekend warring close to home.

"It wasn't any great idealistic thing," he told the New York Times last year.

He could not have dreamed of being mustered out 48 years later as the highest-ranked officer in the United States' armed forces, a four-star general in command of more than 2.1 million men and women in uniform.

John W. Vessey Jr. will end his term as chairman of the Joint Chiefs of Staff on Sept. 30 and retire to his lake home near Brainerd. He probably is the most significant military figure in Minnesota history, a state better known for producing politicians and hockey players.

Combat heroism in two wars is the lesser part of Vessey's legacy. He won a battlefield commission at Anzio in World War II and at the age of 45 earned the nation's second-highest award for valor after a blazing firefight in Vietnam.

More important, Vessey has been one of President Reagan's closest advisers during what generally is considered the largest peacetime military buildup in U.S. history.

Presidents traditionally take military advice from a half-dozen sources, and the service chiefs' influence doesn't always rate high. In Vessey's first year, the chiefs reportedly met with the president more times than in the three previous administrations.

Moreover, Vessey has taken the first steps toward reshaping the chairmanship into a more powerful position. Pentagon planners and some congressional leaders for years have suggested transforming the chairmanship from a present role as a spokesman for an advisory committee into a full-time field marshal. That would relieve the Secretary of Defense from day-to-day command, allowing him to address growing problems with cost overruns and other problems with the business end of the military-industrial complex.

Despite Vessey's clout, he has managed to avoid the public eye like few other chairmen since the joint-chief system was established after World War II. He has not granted media interviews in the last few months, and his staff declined repeated requests for sessions with the Pioneer Press and Dispatch.

HE'S MINNESOTA GOTHIC

Vessey is the antithesis of the colorful and vainglorious American warrior as typified by such legendary figures as Gens. George Armstrong Custer, Douglas MacArthur and George S. Patton.

Those who know Vessey paint him in Minnesota Gothic driven by the work ethic and strong on integrity and piety. Although he has a sense of humor, he is said to possess the stereotypical Minnesotan's reluctance to get worked up over anything or draw attention to himself.

"I have risen to a rank that is far higher than any I ever expected or hoped to achieve," Vessey said at his Senate confirmation hearing in 1982 giving credit to "some of the best people in the world working for me."

He's from that good Midwestern stock of trustworthy, all-there people, said Kermit Johnson, a friend and former chief of Army chaplains Johnson offered the following string of adjectives about his friend. "Low-key, unflappable, sane, solid, plain-speaking, no-nonsense, good-spirited, and kind, but not in a flabby way."

Since Johnson left the Army, he has joined the anti-nuclear weapons cause, putting him at odds with Vessey and the Pentagon's traditional demand for new and more powerful nuclear armaments.

"But if I was asked whose finger I wanted on the buttom." Johnson added, it would be his. He is a hard-liner but in a sensible sort of way. . . . He gives me much more confidence than any of the political appointees in this administration."

RESTRAINT VOICED

Notwithstanding the invasion of Grenada and the increased presence of U.S. forces in Central America, the joint chiefs under Vessey often have been a voice for restraint.

They argued against deployment of Marines in Lebanon, it is said. The five chiefs (Army, Navy, Air Force, Marines and the chairman) in a split decision recommended against deployment of the "densepack" MX missile system. Some conservatives even have complained that Vessey doesn't stump hard enough for Reagan's defense agenda.

All that aside, this chairman is hardly a dove. Vessey looks at the Russian bear from Reagan's angle.

"We talk about the U.S. Army building up to 28 divisions," Vessey said two months ago at a Military Appreciation Day ceremony in Fairbanks, Alaska. "The Soviets have close to 200 divisions (2½ times as many regulars and 10 times the reserves). They're armed to the teeth . . .

"We don't want a nuclear war; we don't want a conventional war. But we also don't want to be paralyzed by the fear of war as we go about our business in this world of nation-states . . .

"We have a strategy that's called deterrence. That's a fancy Washington word that means, 'If you pick a fight with us, we're going to clean your clock.' "

Vessey's compatibility with Reagan is to be expected. Both come from small-town, Anglo-Irish, lower middle-class, Midwestern stock. Their world view is not terribly complicated and their style of leadership also is similar. Vessey is known for wearing a fraction of the medals he has won and taking public transportation instead of the block-long limousine to which he is entitled.

NO STUFFED SHIRT

"He's the kind of soldier that troops look up to, not a stuffed shirt," said Maj. Gen. James G. Sieben, Minnesota's adjutant general and head of the state National Guard. (Vessey keeps in close touch with the state guard and he "sells Minnesota everyday," Sieben said. Vessey recently brought two Israeli generals to his place for a fishing trip.)

"He's not a formal type. He knows when to be personal and when to be all business. Some people can get that across without lording it over or reminding you of their authority. He was born that way."

Vessey's parents lived in Lakeville when he was born in a Minneapolis hospital on June 29, 1922. He was the oldest of seven children; one sister still lives in Minneapolis. His father, a World War I veteran who died when Jack Jr. was 19, was an agent for the old Minneapolis, Northfield and Southern Railway, popularly known as the Dan Patch short line.

The Vesseys, of Scotch and English descent, were among the original settlers in Bloomington. They homesteaded near the present Minnesota Masonic Home on Normandale Boulevard, according to his mother, the former Katherine Roche, who now lives in the Walker Methodist Residence in Minneapolis. The Roches were among the first Irish immigrants to St. Paul in the mid-1800s, and her father was the postmaster in Lakeville.

Asked if anything foreshadowed Jack Jr.'s career, the elder Mrs. Vessey said, "I'm afraid not . . . He was very active in Boy Scouts, he liked to play ball, belonged to church, he was very active in church and still is."

She said she used to threaten to use a pitchfork "to get him started" He began to show signs of leadership in high school, and was elected president of the student council and was captain of his swim team. Even now, at 63, Vessey, trim and about 5-foot-10, is considered a topnotch handball player.

The Vessey family moved to Minneapolis when Jack was in his early teens, and he met his future wife, Avis Funk, when they were juniors at Roosevelt High School.

Avis Vessey, who never lost her affection for Minnesota and who has been more or less waiting by the lake through much of the chairmanship, said she is "absolutely amazed" at the rank her husband reached.

"We certainly didn't set out to do it, but the challenges kept coming and there he is," she said, "Still I'm no prouder of him now than I was the day I met him."

Partly to earn money during the Depression and partly inspired by friends who had fought against the fascist government in the Spanish Civil War, he has said in previous interviews, Jack Jr. joined the National Guard just before his 17th birthday. Almost two years later with Pearl Harbor still 10 months away, Vassey was called to active duty.

His 34th Infantry Division was the first to go overseas. Vessey fought through the length of the campaign, as the Allies pushed German and Italian troops out of North Africa, across the Mediterranean, up the Italian boot and all the way to the Swiss Alps. He didn't come home until the war in Europe ended.

BATTLEFIELD COMMISSION

At a momentous point in the campaign, Vassey jumped from enlisted man and G.I. to officer and gentleman, a class normally divided by college education. When bodies began to pile up, however, the line often was crossed by savvy young enlisted men.

Until Vessey, all other Army chairmen were not only career officers, they all had graduated from West Point. Vessey was the first to have won a battlefield commission. None of the other nine chairman have had more field experience, according to the Armed Forces Journal.

At Vessey's confirmation hearing, Sen. Barry Goldwater, R-Ariz., said, "I don't think I have ever know a four-star officer who came up from the bottom . . . The man has to be the best to achieve that."

Vessey and two other enlisted men were commissioned on the infamously bloody Anzio beachhead in Italy on May 6, 1944. But the price of the new status was front-line exposure as a forward observer for the infantry, instead of the relative safety of his former artillery unit toward the rear. A few days after the commissioning, one of the newly promoted men was dead and the other was seriously wounded.

Jack and Avis, who corresponded regularly during the war, were married shortly after his return, 40 years ago this month. They have three children: John III, 36, a foreign service officer and father of their two grandchildren; Sarah, 31, who lives in Albuquerque and will marry in August; and David, 28, an Army warrant officer.

DEVOUT LUTHERAN

After the war, Vessey nearly left the service to become a minister. He is a devout Lutheran who two years ago impressed a Washington prayer-breakfast crowd with an evangelistic appeal to "Be all that you can

be—in God's Army. Enlist or re-enlist today."

Reconciling Christianity and his job in an interview with the Armed Forces Journal in 1983, Vessey said: "I believe it is immoral not to try to get sensible defenses for the nation. . . . The first part of (the military objective) is to be so self-evidently so good that this country won't have to fight."

At age 41, Vessey's career began to take off. He earned a bachelors' degree from the University of Maryland in 1963, and a master's degree from George Washington University two years later.

SERVICE IN VIETNAM

Then came Vietnam, a decade of failure and frustration for the American military. Vessey distinguished himself, however, with a desperate effort at the Battle of Suoi Tre in 1967, where the battalion under his command was attacked by five battalions of North Vietnamese regulars. At one desperate juncture, Vessey and a sergeant major were forced to use a long-range artillery piece at point-blank range, firing into onrushing attackers.

Vessey was wounded, not seriously, and won the Distinguished Service Cross, which ranks only behind the Congressional Medal of Honor as a measure of battlefield valor.

On another assignment in southeast Asia, directing anti-Communist tribes in Laos, Vessey won the highest non-combat award, the Distinguished Service Medal. In between, approaching the age of 50, he learned to fly helicopters.

Vessey is "shy, almost to the point of being apologetic," about his combat record, according to his press spokesman, Lt. Col. H.E. Robertson. The office does not keep detailed information on any of his exploits.

Vessey rose rapidly after reaching brigadier (one-star) general, assuming top staff positions in Washington and in the United Nations organization, commanding a division in Colorado and becoming commander of all forces in South Korea.

NO YES-MAN

Although Vessey has a reputation as a team player, insiders say his record during those years proves he was not a "yes-man." One former colleague, who asked for anonymity, said Vessey was passed over for consistently complaining that not enough attention was being paid to long-range planning.

And in Korea, Vessey quietly but effectively resisted President Jimmy Carter's efforts to remove American forces in 1978. Another general under Vessey, John K. Singlaub, was fired for openly criticizing that plan.

Vessey may have paid for that opposition when Carter picked one of his young assistants, Maj. Gen. Edward C. Meyer, to be Army Chief of Staff. No matter. Meyer was so loyal to Vessey that he brought his former boss with him as a top assistant. Meyer's influence is said to have been crucial when Reagan was interviewing candidates for chairman in 1982.

Although widely respected as a person, Vessey as chairman does not receive unqualified praise.

Retired Adm. Eugene Carroll, said he fears Vessey, who knows the face of war first-hand, may be the last of his kind.

The armed forces are becoming "less and less a warrior-led establishment," said Carroll, now deputy director of the Center for Defense Information. "They're looking for managerial skills, an ability to produce winners in the budget process . . . masters of the Washington scene." (The man picked to replace Vessey, Adm. William Crowe Jr., is an erudite Annapolis graduate who also holds degrees from Stanford and Princeton.)

To address problems like those, Congress may be closer than ever before to reorganizing the joint chiefs.

In a recent House Armed Forces Investigations Subcommittee hearing, Rep. Ike Skelton, D-Mo., faulted the system of joint chiefs over the years for "watered-down, common-denominator advice," hesitation to "step on each others' toes" and outright waste. House Armed Forces Committee Chairman Les Aspin, D-Wis., has called the chairman "a eunuch."

STRONGER CHAIRMAN

Others fear a loss of civilian control under a "German-style, Prussian command," even though it has been adopted by many of the largest western democracies. Skeptics also point out that one rationale offered for such a system is it would work better in war, leading one to wonder what's around the corner. Thomas D. Bell Jr., president of the Hudson Institute, wrote recently that increased clout for the chairman would reduce alternatives for strategies and weapons systems.

Vessey is known to lean toward a stronger chairman, yet ironically, his performance may have worked against change.

Officials these days are "prone to brag" that the joint chiefs are functioning better than ever, said Theodore Crackel, author of a defense assessment contained in a Heritage Foundation study.

But "those same officials admit the chemistry is largely a function of the personality of the current chairman, General John W. Vessey Jr." Crackel said that chemistry "was created by chance rather than design and has occurred only once in the nearly 40-year history of the JCS."

## INVOCATION TO THE ANNUAL CONFERENCE OF THE NATIONAL ASSOCIATION OF TOWNS AND TOWNSHIPS

● Mr. DODD. Mr. President, on Wednesday, September 4, the National Association of Towns and Townships held its annual conference here in Washington. The NATAT is a nonprofit organization which offers technical assistance, educational services, and public policy support to local government officials. The conference consisted of a series of meetings and workshops on such issues as hazardous waste disposal, revenue sharing and community development, and ground water contamination.

I am proud to bring to the attention of my colleagues the invocation to the conference, delivered by Dave Russell, first selectman of the town of Granby, CT. The sincerity and conviction of this speech serves as a vivid illustration of the hard work and deep commitment of American's local leaders. It is my sincere wish that we, as national leaders, may reflect upon these words as we strive to do that which is just and good for America. I ask that this invocation be entered into the RECORD:

The invocation follows:

Holy Father, we thank you for our creation, preservation and all the blessings of this life, and for our safe arrival at this conference.

Guide us with thy spirit in these next few days to learn and to expand our horizons in our chosen field: Public service. Let us return home and use our God-given gifts of: Intelligence—to make right decisions; wisdom—to make just decisions; and compassion—to make loving decisions. Lead us to continue to treat people as we would have ourselves treated.

In thy name we pray. Amen.●

## ADVANCE NOTIFICATION OF PROPOSED ARMS SALES

● Mr. LUGAR. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that two such notifications have been received.

Interested Senators may inquire as to the details of these advance notifications at the office of the Committee on Foreign Relations, room SD-423.

The notifications follow:

DEFENSE SECURITY ASSISTANCE AGENCY,
*Washington, DC, September 27, 1985.*

Dr. M. GRAEME BANNERMAN,
*Deputy Staff Director, Committee on Foreign Relations, U.S. Senate, Washington, DC.*

DEAR DR. BANNERMAN: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Middle Eastern country tentatively estimated to cost $50 million or more.

Sincerely,

PHILIP C. GAST,
*Director.*

POLICY JUSTIFICATION

[Deleted.]
[Deleted.]
[Deleted.]
[Deleted.]
[Deleted.]

The prime contractors are: F-20 aircraft—Northrop Corporation of Hawthorne, Cali-

fornia; F-16 aircraft—General Dynamics Corporation of Fort Worth, Texas; and AIM-9P4 missile—Ford Aerospace and Communications Corporation of Newport Beach, California.

[Deleted.]

There will be no adverse impact on U.S. defense readiness as a result of this sale.

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POLICY JUSTIFICATION

[Deleted.]

[Deleted.]

[Deleted.]

The prime contractor for the I-HAWK systems will be the Raytheon Company of West Andover, Massachusetts. The prime contractor for the STINGER missile systems will be the General Dynamics Corporation of Pomona, California.

[Deleted.]

There will be no adverse impact on U.S. defense readiness as a result of this sale.

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DEFENSE SECURITY ASSISTANCE AGENCY,
*Washington, DC, September 27, 1985.*

Dr. M. GRAEME BANNERMAN,
*Deputy Staff Director, Committee on Foreign Relations, U.S. Senate, Washington, DC.*

DEAR DR. BANNERMAN: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification related to air defense, which will be forwarded under a single transmittal.

The Department of State is considering an offer to a Middle Eastern country tentatively estimated to cost $50 million or more.

Sincerely,

PHILIP C. GAST,
*Director.*

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[Transmittal No. 85-CQ]

ADVANCE NOTIFICATION OF POSSIBLE SECTION 36(b) STATEMENTS—FOREIGN MILITARY SALES

a. Prospective Purchaser: [Deleted.]

b. Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: [Deleted.]

c. Estimated Value(s) of this Case: [Deleted.]

d. Description of Total Program of which this Case is a Part: [Deleted.]

e. Estimated Value of Total Program of which this Case is a Part: [Deleted.]

f. Prior Related Cases, if any: None.

g. Military Department: [Deleted.]

h. Estimated Date Letter of Offer/Acceptance [LOA] Ready for Formal Notification to Congress: [Deleted.]

i. Date Advance Notification Delivered to Congress: [Deleted.]

---

POLICY JUSTIFICATION

[Deleted.]

[Deleted.]

[Deleted.]

[Deleted.]

The prime contractor will be the FMC Corporation of San Jose, California.

[Deleted.]

There will be no adverse impact on U.S. defense readiness as a result of this sale.●

## THE ANSWER PEOPLE OF CAPITOL HILL

● Mr. MOYNIHAN. Mr. President, every Member of the Senate benefits from the great resources of the Library of Congress and from the speedy and able assistance given us daily by the Congressional Research Service. I was particularly pleased to read in this morning's New York Times an article about Lynne Kennedy, a native New Yorker and a librarian at CRS who has helped me and my staff on countless occasions. Ms. Kennedy is a master of the library's resources, and she commands considerable and impressive knowledge of many disparate subjects in her own right. If Ms. Kennedy does not know the answer to one's query, she knows where to find it, and fast.

Mr. President, I commend Lynne Kennedy for her great ability and true professionalism, and I ask that today's article, "The Answer People of Capitol Hill" from the New York Times be printed in the RECORD.

The article follows:

[From the New York Times, Oct. 1, 1985]

THE ANSWER PEOPLE OF CAPITOL HILL

(By Francis X. Clines)

WASHINGTON, Sept. 30.—In memoriam for Harvey Baugh, there are a few weeping filbert trees growing outside the Library of Congress, plaintive and firm-rooted as the curiosity of the lamented reference librarian who long served the capital's most demanding readership, its lawmakers.

Colleagues say Mr. Baugh was the sort of dedicated ferret who could track a quotation in the battle-speed time demanded by a politician caught in mid-debate on the floor, finding just where in "Apology" Socrates wrote: "I was really too honest a man to be a politician and live."

That fact and all such things verified and savored he left to the legion of librarians who survive him in the toil of one of the most searching and painstaking institutions, the reference division in the library's Congessional Research Service. This is a vintner-like operation that produces private-stock information, a resource closed to the public and dedicated to satisfying the more instant curiosities of Congress.

These librarians, backed up by the Research Service's cadre of expert analyst teams, deal with more than a quarter million requests a year various submitted in person and by computer hookups extending to the lawmakers' offices back home. They must be quick in searching our basic information by the scrap and by the tome and in nosing out ephemera, too.

"A senator is going to the opera and suddenly wants to know the story line of the opera before he goes," said Lynne Kennedy, the reference librarian stationed in a four-room office across from the airline ticket store in the busy pedestrian catacombs under the Senate office buildings. "I get it for him. Or he's going to have some people over for dinner and quietly needs to know who they are. We can get quick bio's ready."

Or, for that matter, a lawmaker wonders how many sorts of special medical care might be provided to the elderly, a short enough question that took three analysts six months for proper research before the answer was ready. That was handled not by Miss Kennedy, whose reference office is closer to the Senatorial trenches, but by one of the specialist teams back in the library's Research Service offices, where most of the service's 858 workers and $39 million in annual budget are applied in a busy admixture of scholarship and journalism.

Miss Kennedy's place is just off the subterranean main street of services where Capitol staff workers go to eat, shop, talk and wander for relief from the routine of paperwork and pleading constituents. Her place is quiet the way public libraries used to be. Senatorial workers stop in or phone with requests at the rate of 200 a day, and a few use the back room for sanctuary.

Some read newspapers or dip into the small shelves of fiction and travel books she keeps as a civilizing touch beyond the yards and yards of reference books that allow rapid access to the stuff of Government and politics: Lobbyist lists by the gaggle, judicial landmarks and glossaries by the wallful, and all sorts of shrewdly designed eddies of information, in computer glyphs and paper print, tagged with such quick-fetch labels as "hot" ideas and "bucket" categories.

It is no accident, this terminology of short-order cookery at Miss Kennedy's place. Just inside the doorway, there are crowded racks of thick "Info Packet" answers to the 100 or so most current questions, all packaged and ready like fast-food produce in yellow and blue folders. Yellow folders, the more prevalent, cover pure issues. The blue-overed packets are more related to the career curiosities of the Senate's ambitious staff workers: how to write résumés and look for grants and new Federal jobs, for example.

These racks can shift suddenly, with the expert researchers backstage set to a two-hour recomposition deadline by an assassination, or to an overnight update in response to the latest panic about AIDS.

Clear-eyed and careful, Miss Kennedy's summary sounds impossible: "We have to know something about anything that might come up." And preferably know it yesterday, not later today. "A senator's staffers are always in a crisis situation," she said with empathy.

For all the relentless curiosity, one restriction at Miss Kennedy's place is that the biographical material or voting record of one member of Congress cannot be looked into by another.

Only direct advance approval or death makes this information accessible. This bars inside campaign research on how to turn an In into an Out, and Miss Kennedy and the other librarians keep these files under watch to preserve the Research Service's nonpartisanship.

Freeloaders from outside organizations also have to be discouraged. Beyond their shelves and computer terminals, the librarians have such an array of quick expertise at hand—four short-order research "teams" already up to speed on more than 220 current topics—that they are like leading commodity brokers in a town whose main business is information. Thus the public can only get access by persuading a lawmaker to submit a query, and most lawmakers seem to realize it would be self-defeating to flood their private information line with constituents pleading for Johnny's term paper.

In various ways, through Congressional reports and occasional catalogues, for example, the Research Service does take care to see that sooner or later much of its seven decades of gleanings are available to the public.

Thus the special gift of the late Harvey Baugh in tracking quotations will be further memorialized next year when the Library of Congress plans to publish in book form his years of collected quotations. They presently fill two file drawers in a back room at Miss Kennedy's place.●

## UNITED STATES-SOVIET RELATIONS

● Mr. SIMON. Mr. President, in the September 9 issue of Time magazine, Mikhail Gorbachev gave an important and fascinating interview on the subject of United States-Soviet relations and the upcoming summit. In this interview, the new Soviet leader discusses SDI, war and peace, the Soviet economy, technology transfer, and relations between the party and the people.

In the past few days, Secretary Shultz and Foreign Minister Shevarnadze addressed the U.N. General Assembly. They each laid out their views on United States-Soviet relations, and they each focused on the role of SDI as a pivotal element in future United States-Soviet relations. In their own way, each was laying the groundwork for the November Reagan-Gorbachev summit. Mr. Gorbachev's interview also sought to influence the outcome of the summit, and as such deserves a careful reading on the part of Congress and the administration.

When I read the interview, it was clear to me that major differences will remain between our two countries. It was also clear that a number of Mr. Gorbachev's statements have to be taken with a grain of salt, and there were some that I found difficult to credit at all. Nonetheless, there is also no doubt that most of the General Secretary's statements reflect genuine Soviet attitudes, and that many of these attitudes are deeply held across a wide spectrum of Soviet opinion.

As such, the interview must be studied and debated by American policymakers. Interviews of this sort, at the very top of the Soviet system, do not come along every day. We will all have a clearer idea of Mr. Gorbachev's thinking—or, equally important, what Mr. Gorbachev wants the American people to read about him and his views—and we will all be better off for having digested his ideas and opinions.

Mr. President, I ask Mr. Gorbachev's Time magazine interview be printed in the RECORD.

The material follows:

[From Time, Sept. 9, 1985]

INTERVIEW

Q. How would you characterize U.S.-Soviet relations at this juncture, and what are the primary events that are defining that relationship?

A. Had you asked me this question some two months ago, I would have said that the situation in our relations was becoming somewhat better and that some hopes of positive shifts were appearing. To my deep regret, I could not say that today.

The truth should be faced squarely. Despite the negotiations that have begun in Geneva and the agreement to hold a summit meeting, relations between our two countries are continuing to deteriorate, the arms race is intensifying, and the war threat is not subsiding. What is the matter? Why is all this happening? My colleagues and I are quite exacting and self-critical when it comes to our own activities not only in this country but also outside of it, and we are asking ourselves again and again if [the decline in relations] is somehow connected with our actions. But what is there that we can reproach ourselves with in this context? In this critical situation Moscow is trying to practice restraint in its pronouncements about the U.S.; it is not resorting to anti-American campaigns, nor is it fomenting hatred for your country. We believe it very important that even in times of political aggravation the feeling of traditional respect harbored by the Soviet people for the American people should not be injured, and as far as I can judge, that feeling is largely a mutual one.

And is it bad that when the disarmament negotiations have resumed and preparations are under way for a first summit meeting in six years, we are persistently seeking ways to break the vicious circle and bring the process of arms limitation out of the dead end? That is precisely the objective of our moratorium on nuclear explosions and of our proposal to the U.S. to join it and to resume the negotiations on a complete ban on nuclear tests as well as of the proposals regarding peaceful cooperation and the prevention of an arms race in space. We are convinced that we should look for a way out of the current difficult situation together.

It is hard therefore to understand why our proposals have provoked such outspoken displeasure on the part of responsible U.S. statesmen. Attempts have been made to portray them as nothing but pure propaganda. Anyone even slightly familiar with the matter would easily see that behind our proposals there are most serious intentions and not just an attempt to influence public opinion. All real efforts to limit nuclear weapons began with a ban on tests—just recall the 1963 treaty that was a first major step in that direction. A complete end to nuclear tests would halt the nuclear arms race in the most dangerous area, that of qualitative improvement, and it would also seriously contribute to maintaining and strengthening the nonproliferation of nuclear weapons.

If all that we are doing is indeed viewed as mere propaganda, why not respond to it according to the principle of "an eye for an eye, and a tooth for a tooth"? We have stopped nuclear explosions. Then you Americans could take revenge by doing likewise. You could deal us yet another propaganda blow, say, by suspending the development of one of your new strategic missiles. And we would respond with the same kind of "propaganda." And so on and so forth. Would anyone be harmed by competion in such "propaganda"? Of course, it could not be a substitute for a comprehensive arms-limitation agreement, but it would be a significant step leading to such an agreement.

The U.S. Administration has regrettably taken a different road. In response to our moratorium, it defiantly hastened to set off yet another nuclear explosion, as if to spite everyone. And to our proposals concerning a peaceful space, it responded with a decision to conduct a first operational test of an anti-satellite weapon. As if that were not enough, it has also launched another "campaign of hatred" against the U.S.S.R.

What kind of impression does all this make? On the one hand, that of some kind of confusion and uncertainty in Washington. The only way I can explain this is anxiety lest our initiatives should wreck the version of the Soviet Union being the "focus of evil" and the source of universal danger, which in fact underlies the entire arms race policy. On the other hand, there is an impression of a shortage of responsibility for the destinies of the world. And this, frankly speaking, gives rise again and again to the question whether it is at all possible in such an atmosphere to conduct business in a normal way and to build rational relations between countries.

You asked me what is the primary thing that defines Soviet-American relations. I think it is the immutable fact that whether we like one another or not, we can either survive or perish only together. The principal question that we must answer is whether we are at last ready to recognize that there is no other way to live at peace with each other and whether we are prepared to switch our mentality and our mode of acting from a warlike to a peaceful track. As you say, live and let live. We call it peaceful coexistence. As for the Soviet Union, we answer that question in the affirmative.

Q. What do you think will be the results of your Geneva meeting with President Reagan in November? What specific actions should the U.S. and the Soviet Union take to improve relations?

A. Its outcome, after all, will depend to a great extent upon what is taking place now. Everyone would probably agree that the political atmosphere for talks takes shape well in advance. Neither the President nor I will be able to ignore the mood in our respective countries or that of our allies. In other words, actions today largely determine the "scenario" for our November discussions.

I will not hide from you my disappointment and concern about what is happening now. We cannot but be troubled by the approach that, as I see it, has begun to emerge in Washington. That is a scenario of pressure, of attempts to drive us into a corner, to ascribe to us, as so many times in the past, every mortal sin—from unleashing an arms race to "aggression" in the Middle East, from violations of human rights to some scheming or other even in South Africa. This is not a state policy, it is a feverish search for "forces of evil."

We are prepared to have a meaningful and businesslike talk. We can also present claims: we have something to say about the U.S. being responsible for the nuclear arms race, and about its conduct in various regions of the world, and support to those who in effect engage in terrorism, and about violations of human rights in America itself, as well as in many countries close to it. But here is what I am thinking about: Is it worthwhile for the sake of that to set up a summit meeting? Abusive words are no help in a good cause.

But there is every indication that the other side is now preparing for something quite different. It looks as if the stage is being set for a bout between some kind of political "supergladiators" with the only thought in mind being how best to deal a deft blow at the opponent and score an extra point in this "bout." What is striking about this is both the form and the content of some statements. The recent "lecture" of

Mr. [Robert] McFarlane [the President's National Security Adviser] is a case in point. It contains not only the full "set of accusations" we are going to be charged with in Geneva but also what I would call a very specific interpretation of the upcoming negotiations. It appears that even the slightest headway depends exclusively upon concessions by the Soviet Union, concessions on all questions—on armaments, on regional problems and even on our own domestic affairs.

If all this is meant seriously, then manifestly Washington is preparing not for the event we have agreed upon. The summit meeting is designed for negotiations, for negotiations on the basis of equality and not for signing an act of someone's capitulation. This is all the more true since we have not lost a war to the U.S., or even a battle, and we owe it absolutely nothing. Nor for that matter, does the U.S. owe us.

But if the bellicose outcries are not meant seriously, then they are all the more inappropriate. Why flex muscles needlessly? Why stage noisy shows and transfer the methods of domestic political struggles to the relations between two nuclear powers? In them the language of strength is useless and dangerous. There is still time before the summit meeting, and quite a lot can be done for it to be constructive and useful. But this, as you will understand, depends on both sides.

Q. What is your view of the Strategic Defense Initiative [Star Wars] research program in the context of U.S.-Soviet relations?

A. We cannot take in earnest the assertions that the SDI would guarantee invulnerability from nuclear weapons, thus leading to the elimination of nuclear weapons. In the opinion of our experts (and, to my knowledge, of many of yours), this is sheer fantasy. However, even on a much more modest scale, in which the Strategic Defense Initiative can be implemented as an antimissile defense system of limited capabilities, the SDI is very dangerous. This project will, no doubt, whip up the arms race in all areas, which means that the threat of war will increase. That is why this project is bad for us and for you and for everybody in general.

From the same point of view we approach what is called the SDI research program. First of all, we do not consider it to be a research program. In our view, it is the first stage of the project to develop a new ABM system prohibited under the treaty of 1972. Just think of the scale of it alone—$70 billion to be earmarked for the next few years. That is an incredible amount for pure research, as emphasized even by U.S. scientists as well. The point is that in today's prices those appropriations are more than four times the cost of the Manhattan Project [the program for development of the atom bomb] and more than double the cost of the Apollo program that provided for the development of space research for a whole decade—up to the landing of man on the moon. That this is far from being a pure research program is also confirmed by other facts, including tests scheduled for space strike weapons systems.

That is why the entire SDI program and its so-called research component are a new and even more dangerous round of the arms race. It is necessary to prevent an arms race in space. We are confident that such an agreement is possible and verifiable. (I have to point out that we trust the Americans no more than they trust us, and that is why we are interested in reliable verification of any agreement as much as they are.)

Without such an agreement it will not be possible to reach an agreement on the limitation and reduction of nuclear weapons either. The interrelationship between defensive and offensive arms is so obvious as to require no proof. Thus, if the present U.S. position on space weapons is its last word, the Geneva negotiations will lose all sense.

Q. You have taken several steps to improve the Soviet economy. What further steps do you propose to take? What are the main problems of the Soviet economy?

A. It is often asserted in the West that it would take the U.S.S.R. 50 to 100 years to restore all that had been destroyed as a result of the fascist invasion. Having restored their national economy in the shortest possible time, the Soviet people did what would have seemed the impossible. But the fact remains that after the Revolution we were forced to spend almost two decades, if not more, on wars and reconstruction. Under those arduous conditions, using our system's potential, we have succeeded in making the Soviet Union a major world power. This has attested to the strength and the immense capabilities of socialism.

There are also difficulties of a different nature due to our own shortcomings and deficiencies. We make no secret of this. Sometimes we do not work well enough. We have not yet learned proper managerial skills as is required by a modern economy. The imperativeness of our time is to decisively improve the state of things. Hence the concept of accelerated social and economic development. Today it is our most important, toppriority task. We are planning to make better use of capital investments, to give priority to the development of such major industries as engineering, electrical engineering and electronics, energy production, transport and others. Attention remains focused also on the agri-industrial complex, especially as regards processing and storage of agricultural produce. We will do all that is necessary to better meet demand in high-quality food products.

To improve the functioning of the national economy it will be necessary to further strengthen centralization in strategic areas of the economy through making individual branches, regions and elements of the economy more responsive to the needs of economic development. But at the same time we are seeking to strengthen democratic principles in management, to broaden the autonomy of production associations, enterprises, collective and state farms, to develop local economic self-management and to encourage initiative and a spirit of enterprise.

In short, we seek the most rational method of managing the economy. Large-scale economic experiments are under way that are aimed essentially at developing a more efficient mechanism of management that would dramatically accelerate the rate of scientific and technological progress and make better use of all resources. Our objective is that in solving this task, all levels of material and moral incentives and such tools as profit, pricing, credit and self-sufficiency of enterprises should be put to work. That is the thrust of our work for radical improvement in the entire system of management and planning.

In addition, we are bringing into play other potentials for speeding up economic development. I mean greater discipline and order, demanding more from everyone, from worker to minister, a drive against irresponsibility and red tape, instilling labor ethics, ensuring greater social justice throughout the whole of society.

So we have enough economic problems and things to attend to, and indeed what country doesn't? We are aware of our problem, and we are confident of the capabilities inherent in our social system and our country. I have recently visited various regions, had meetings with many people—workers and farmers, engineers and scientists. And what was common to all those meetings? Need for a drastic change and the necessity to radically improve performance are not only supported by the people but becoming their demands, the real imperative of our time.

I want to emphasize this: the attention we have recently devoted to the economy is due not to an intention to set new records in producing metals, oil, cement, machine tools or other products. The main thing is to make life better for people. There is no goal more important to us. This year alone the decision was made to raise the salaries of several categories of engineers and technicians, to improve the material status of a considerable number of retired people, to allocate annually, free of charge, about 1 million plots of land for planting orchards, for people to have what you call a "second home." We are planning many other steps as well. Their scope will naturally depend on progress in the economy. Of late, positive changes have become evident: the rates of industrial production and labor productivity have increased.

You ask what changes in the world economy could be of benefit to the Soviet Union. First of all, although this belongs more to politics than economics, an end to the arms race. We would prefer to use every ruble that today goes for defense to meet civilian, peaceful needs. As I understand, you in the U.S. could also make better use of the money consumed nowadays by arms production. While insisting on cessation of the arms race, we also believe it immoral to waste hundreds of billions on developing means of annihilation, while hundreds of millions of people go hungry and are deprived of the elementary essentials. We, all of us, just have no right to ignore the situation.

Q. The Soviet Union is anxious to gain better access to advanced technology developed in the U.S. How badly is this needed in the Soviet Union, and primarily for what purpose? If the U.S. does not provide greater access, where do you intend to turn to obtain this technology?

A. The very way you are framing the question gives food for thought. Is there anyone who is not anxious nowadays to gain access to advanced technology? Everyone is, including the U.S.—even primarily the U.S. I mean not only the legal purchase of licenses and science-intensive goods or illegal industrial espionage. The U.S. practices its own specific methods as well. The brain drain, for example, and not only from Western Europe but from the developing countries as well. Or take the activities of transnational corporations, which through their subsidiaries are laying their hands on scientific and technological achievements of other countries.

As for the Soviet Union, it uses the achievements of foreign science and technology in a much more modest way. Those selling the idea of the U.S.S.R. allegedly being consumed with thirst for U.S. technology forget who they are dealing with and what the Soviet Union is today. Having won technological independence after the Revolution, it has long been enjoying the status of a great scientific and technological

power. This enabled us to blaze the trail in space and to undertake space research on a large scale, to acquire a reliable defense potential and to successfully develop the country's productive forces. Incidentally, how are we to understand the following inconsistency in the U.S. reasoning? To substantiate increased military spending, all they do in the U.S. is talk about the fantastic achievements of the U.S.S.R. in the field of technology. When, on the other hand, they need an excuse for prohibitive measures, they portray us as a backward country of yokels, with which to trade and to cooperate would mean undermining one's own "national security." So where is the truth? What is one to believe?

We speak openly about our dissatisfaction with the scientific and technological level of this or that type of product. Yet we are counting on accelerating scientific and technological progress not through "a transfer of technology" from the U.S. to the U.S.S.R., but through "transfusions" of the most advanced ideas, discoveries and innovations from Soviet science to Soviet industry and agriculture, through more effective use of our own scientific and technological potential. That is the thrust of our plans and programs. At the same time, we would naturally not like to forgo those additional advantages that are provided by reciprocal scientific and technological cooperation with other countries, including the U.S.

The '70s have seen fairly broad development of such cooperation in the energy field, including nuclear power, in chemistry, space research, cardiology and other fields. The benefit was mutual, and U.S. scientists are well aware of it. This cooperation has by now come to naught. We regret it, but let me assure you that we will survive because we have first-class science of our own and because the U.S. is far from having a monopoly on scientific and technological achievements.

By the way, the U.S., being aware of this, is trying to apply growing pressure on its allies so that they too should not trade with us in science-intensive products. What is more, the U.S., under the very same "national security" pretext, places a ban on deliveries of some types of such products to Western Europe and ever more frequently denies access to U.S. laboratories and scientific symposiums to representatives of Western Europe.

Yet I would not wish to end [these written answers] on a negative note. I should like to convey to the readers of your magazine wishes of good endeavor, happiness and a peaceful future. On behalf of the Soviet leadership and the Soviet people, I would like once again to tell all Americans the most important thing they should know: war will not come from the Soviet Union. We will never start war.

(The General Secretary formally passed his answers to Time's written questions, signed by him, across the table. "I'm giving this to you in a green folder," said Gorbachev. "Not even a hint of the export of revolution." He then began the spoken interview with an opening statement.)

I have a great many requests for various speeches, statements and interviews, but let me just say why—and I took counsel with my colleagues in the Soviet leadership on this—we decided to respond to the request put in by Time.

First of all, when I first saw the way your questions were formulated, I felt—maybe I'm mistaken, and if I am, correct me—that the questions themselves reflected concern about the state of Soviet-American relations. Unfortunately, that is something that we don't hear all that often in our contact and conversations with representatives of U.S. political or other circles. I felt that that in itself was very important if the questions themselves reflected concern. There is another reason of no less importance. And that is connected with our assessment of the situation in the world. That situation today is highly complex, very tense. I would even go so far as to say it is explosive. And as we see it, the situation in the world has a tendency toward deterioration. I do not want to set out our views as to the source of this present situation. I believe that you yourselves understand, and you are familiar with the situation as it stands today. So therefore I believe that it would be best of all to try and give a response to the question of where we stand, in what kind of a world we're living, at what stage we are in world development.

I would not like to overdramatize the situation in my response to this major question on which a great deal depends. So I believe that if we were to touch upon the question of the leaders of two such great nations as the U.S. and the Soviet Union, then surely in all of their way of thinking, in their analyses, in the practical conclusions that they draw therefrom, their starting point should be an awareness of the tremendous responsibility that rests upon them as leaders of two such nations.

It is in that spirit that I would like to try to answer the question that I myself formulated just a short while ago. Today it is a reality that the development of science and technology has reached a level where the broad-scale introduction of new achievements, particularly in the military field, can lead to an entirely new situation and an entirely new phase in the arms race [Star Wars].

I endeavored in my replies to your [written] questions to be very sincere and very frank in the hope that this will not be treated as "one more propaganda exercise by Moscow." I endeavored to say that at present, even today, it is very hard indeed to reach accord, to come to terms. There are so many accretions, so many exacerbations, such a lack of confidence, that it is even hard to begin moving toward each other. But if we were to come in the future to this new phase, and to open up a new stage in the military sphere, then surely the question is: Could we really deal with these matters? Would not there be a temptation on one or the other side to believe, "At last we have overtaken our partner. Is it not time then to seek to achieve superiority and to untie our hands in the field of foreign policy?"

Given the present exacerbated state of relations between our two countries and the present aggravations in the world at large, we must admit that today, thus far, there do exist certain restraints on the actions of either side. There is strategic parity. That is, after all, the foundation of equal security. There are also still in effect such treaties as the ABM treaty, the SALT II provisions, the nonproliferation treaty, the banning of nuclear weapons tests in three environments. To this day, so far, they are in operation. But even today, attempts are being made to remove these restraints or at least to raise the question of overturning the treaties, of abrogating them.

So when opportunities appear to take the path of creating and developing absolutely new types of arms, well then, of course, a new era will come about. We must give thought to this. So if the situation were to arise, if somebody were to give in to these illusions—and they can be nothing but illusions, because history shows that if one side has plans, the other side has counterplans; if one side wants to take some measures, the other side takes countermeasures; if there is a poison, there is an antidote—that is the lesson of history. So the question is: Where do we go from here?

And this brings me to the second point, my second reason why I decided to give this interview. That reason is that time is passing, and it might be too late. The train might have already left the station. If we are realists—and we hope we all are, we all want to live, none of us wants to be destroyed—then we must muster the political will and the wisdom and stop this process, and begin the process of eliminating weaponry, and the process of improving, invigorating relations between the Soviet Union and the U.S.

Perhaps we have too high an opinion of ourselves, but we feel that we are realists, both in terms of our policies and in terms of our practical actions. We believe that we do not simply limit ourselves to appeals, mere appeals for disarmament and improvement in relations. We act likewise.

We want to show our intentions and we also want to show by our actions what steps we are counting on the American side to take. Yet all our attempts to somehow escape this present bad situation in Soviet-American relations, attempts to somehow lead matters toward ending the arms race, toward relaxing tensions, toward disarmament—all these attempts come up against a negative position of the U.S. Administration. We keep hearing one and the same answer: "No, no, no. It's propaganda, propaganda, propaganda." Surely the most responsible people in the land cannot, should not, conduct themselves in that way in respect to their opposite numbers.

This reminds me—maybe it's a little out of place, but it reminds me of a story, a true story. For quite a few years there was one Minister of Finance in the Russian Federation government. His name was Ivan Ivanovich. He was rather old and would doze off at the meetings of the Council of Ministers. Whenever you would wake him up, no matter what you asked him about, he would always say, "No money, there's no money." We would hope that the American Administration has not given us its final word.

We hope that our understanding of these matters and of the direction in which we want things to move will, through your magazine, be brought to the attention of the U.S. public. This is the view of the Soviet leadership, so when I say these things it is a responsible statement.

We must not allow things to go so far as confrontation between our two countries. This is a reflection of the interests of our two peoples and of the politicians who represent them. It is after all the people of the two countries who put the politicians into the positions they hold today. So it is in our interests to express those wishes in practical ways. We must seek ways to put an end to the arms race, to seek disarmament, to switch Soviet-American relations onto a normal track. Surely, God on high has not refused to give us enough wisdom to find ways to bring us an improvement in our relations, an improvement in relations between the two great nations on earth, nations on whom depends the very destiny of

civilization. We for our part are ready to take that role.

What I said is particularly acute and topical because we get information about the political atmosphere in Washington, and that information disconcerts and disappoints us. [Reading from papers in front of him.] Here are some of the reports we've heard emanating from Washington just this last week. In one report the White House intimates that there can be no agreements with the Soviet Union on limitation of U.S. strategic programs, and the most that can be expected is agreement on a kind of agenda for the future. That agenda is to be considered over a period of many years, if not decades. Meanwhile and parallel with such a discussion, new types of arms would be developed, including space systems.

Now that is not some kind of information cooked up by any Soviet correspondent in Washington. That information is based on what is written by the American media. Or here is a report about some statements made by [U.S. Under Secretary for Political Affairs Michael] Armacost and [U.S. Strategic Weapons Negotiator John] Tower in interviews. Some other statements. We can discern that some of these statements are actually designed to make the product look better, or designed to hide the actual true meaning behind the words. But the main thrust of what they want to say is that it is essential to do everything possible to ward off, even to prevent, the slightest opportunity of reaching any accord with the Soviets on space-weapons bans or on the ban on nuclear testing. Now from these pronouncements made by Tower it appears that nothing depends on whatever the Soviet Union does at the talks in Geneva or in the military field. The U.S. will still go on developing antisatellite systems. It will go on developing space weapons systems. So here you see how certain people in the U.S. are driving nails into this structure of our relationship, then cutting off the heads. So the Soviets must use their teeth to pull them out.

So how are we to react to this kind of thing? We must all of us do all we can to end this present negative process in our bilateral relations, and proceed toward ending the arms race, and proceed seriously toward disarmament. I do believe it is in the best interests of the Soviet Union and the U.S. After all, there have been countless attempts in the past to bring us to our knees, to bring us to the point of utter exhaustion. But all such attempts have been in the past, and will be in the future, doomed to utter failure. We have never accused the U.S. of being an "evil empire." We understand what the U.S. is, what the American people are, and the role they are playing and will play in the world. We are certainly in favor of beginning a new phase in Soviet-American relations. But let me repeat that perhaps if a new phase appears, a phase still worse than the present one, this goal will be all the harder to achieve, if it is possible at all. Then a process might be launched that would be simply impossible even to conceive of today. That is why we are calling upon the U.S. to reach an accord with us on the basis of equal security, to reach an accord first and foremost on all three components, the most dangerous strategic offensive arms, medium-range arms and space weapons.

Q. You have spoken just now about "certain people" in Washington who seem to you to be trying to undermine the progress of U.S.-Soviet relations, but President Reagan himself has said on a number of occasions that there is no hostility toward the Soviet Union, that he is not seeking unilateral advantage or superiority over the Soviet Union. How do you take these assurances from the President? Do you accept them? More broadly, what are your impressions so far of President Reagan?

A. Let me just say at least that our attention certainly was drawn to certain positive elements contained in some of the President's remarks. We note some of his public statements in 1983 and 1984—I recall one speech I think was made at the United Nations—so we do duly respond to those positive elements when we see them. One of those statements was that war was inadmissible, that nuclear war was not winnable, and of course we gave our attention to the statement. Then we also paid due attention to his statement that the U.S. was not seeking superiority over the Soviet Union. These are very positive elements, and we believe that we could and should find positive elements in other spheres as well. They could all give us opportunities to cast a responsible glance at the state of our relations and especially toward the future and to find a basis to overcome the present negative phase in the state of relations between the Soviet Union and the U.S.

That is indeed why we agreed to hold the forthcoming summit meeting in the first place. We did so because we felt that we could do a lot by trying to meet each other halfway. That, again, is why we have reacted so sharply to some of the statements being made these days in connection with the summit. So we see that there are some who want to generate a situation to persuade the U.S. and the American public that, as [Columnist] Mary McGrory put it, even if the only thing to come out of the summit was an agreement to exchange ballet troupes then even so people would be gleeful and happy.

We for our part have very serious intentions in respect to the summit. We are making very serious preparations for that meeting, and we shall be prepared to submit some very serious proposals, regardless of what some of Reagan's advisers to the right or to the left—if I am correct he does not have any advisers on the left—regardless of what any of his advisers try to sell to him. If we did not believe in the possibility of bringing about an improvement in our relations, we never would have agreed to have the Geneva summit in the first place. That is our considered position.

About my impression of President Reagan, I have not had a chance to meet him or talk to him or see him in person, so it is hard for me to give you any human impressions, but politically of course I can say what my impression is. I regard him as President of the U.S. a man elected to his high office by the American people, and therefore our attitude toward President Reagan is prompted by our feeling of respect for the people of the U.S. We are therefore prepared to do business with him and to treat him with the respect that is befitting him.

Q. You said that you wished to reach accords in three areas, including space weapons. Yet from much of the commentary that one reads coming from the Soviet Union, there seems to be really no room for any agreements on space weapons because the only thing you want with regard to them is to stop them, to stop all research even in the narrowest and almost academic sense.

A. If there is no ban on the militarization of space, if an arms race in space is not prevented, nothing else will work. That is our firm position and it is based on our assessment, an assessment that we regard as being highly responsible, an assessment that takes into account not only our own interests but the interests of the U.S. as well. We are prepared to negotiate, but not about space weapons or about what specific types of space weapons could be deployed into space. We are prepared to negotiate on preventing an arms race in space.

In Geneva the Soviet Union proposed a ban on the development, including research, testing and deployment, of space strike weapons. Therefore, as we see, our proposed ban would embrace all stages in the birth of this new kind of arms.

Research is something we regard as part of the overall program for the development of space weapons. When, therefore, we see tens of billions of dollars being earmarked for such research, it is clear to us what the design is of the authors of such research and what is behind the specific policy pursued with regard to outer space.

Now, when the question comes up about research, and the question of banning research, what we have in mind is not research in fundamental science. Such research concerning space is going on and it will continue. What we mean is the designing stage, when certain orders are given, contracts are signed, for specific elements of the systems. And when they start building models or mockups or test samples, when they hold field tests, now that is something—when it goes over to the designing stage—that is something that can be verified. So we believe this process is verifiable. So if money is appropriated for such research, then that research has to culminate in the designing of mockups, models that are elements of the system, and that can be verified through national technical means of verification. There will have to be field tests of various components. After all, if we can now, from our artificial earth satellites, read the numbers on automobiles down on earth, surely we can recognize these things when they come to that stage. So therefore we can say flatly that verification is proper.

But the main thing is that if all this work on space weaponry were to stop at this stage, then no one would have any more interest in going over to the next stage in the process of designing and developing, because nobody would think of appropriating any more money for these purposes if it were known that money could not subsequently be used. But on the other hand, if billions and billions of dollars had already been spent on research, then nobody is going to stop because all that money had been invested in SDI. And so then, once space weapons are deployed, once they are in space, then nobody could control that process. And that is what I mean when I say that we would come to an unpredictable phase in relations. And of course you have to bear in mind that the other side is not going to be dozing all this time. That is something you may be very sure of.

When they talk about the purely scientific research nature of the SDI at this stage, they do so to somehow conceal that what is under way today is the whole process of developing space-weapons systems. The very fact that the U.S. is now planning to test a second-generation anti-satellite system is fraught with the most serious consequences. We will surely react. This test, in effect a test of a second-generation ASAT system, means in fact testing an element of a space-based ABM.

This we are witnessing against the background of a negative response to our proposal for the U.S. to join the moratorium on nuclear explosions. The U.S. does not want to join that moratorium for one simple reason, among others: the U.S. needs nuclear testing to provide the nuclear element for space lasers. It has to be used to produce an X-ray laser effect. All these are elements in the space-based antiballistic missile defense. Think then what would happen if the whole thing goes full steam ahead. We believe America should give honest thought to these matters before proceeding further.

I guess that somebody in the U.S. must have thought they would be able to forge ahead of the Soviet Union, to bring pressure to bear on the Soviet Union through these programs. That is something that would never succeed: come what may, we will find an accurate response to any challenge. But if that transpires, it will mean the burial of all negotiations, and when we might return to the negotiating table, nobody can say.

All this may of course suit the U.S military-industrial complex, but we, on our part, have no intention of working for the U.S. military-industrial complex. Our proposals, we firmly believe, are in the best interests not only of the Soviet Union and the Soviet people, but equally in the best interests of the American people and the U.S.

That is why our proposals cause the most irritation on the part of the military-industrial complex in the U.S. We notice that by the behavior of some in the U.S. Administration. There are some there that can certainly be regarded as representatives of the U.S. military-industrial complex. We can feel their presence.

But we do have a large reserve of constructive ideas, and will continue to invite the U.S. Administration to take a different approach. If a different approach is taken by the U.S. Administration, that will open up tremendous possibilities in the field of strategic arms, medium-range arms, in the entire area of armaments. It will open wide an avenue for a broad-based process for improving relations between our two countries.

I was recently in the town of Dnepropetrovsk, and in the street there a worker asked me, "Now what is all this Star Wars that people are talking about, this new idea that Reagan is proposing, Star Wars? Aren't you afraid the U.S. might trick us in the talks?" And I said, "No, have no fear. We will not allow that to happen. We will not allow ourselves to be tricked."

But if the other side displays readiness to seek solutions to these problems, we will be equally prepared, come what may, to leave no stone unturned to seek accommodation. I firmly believe our position is humane. It is not selfish, it meets the interests of the U.S. as it does the interests of the Soviet Union and indeed all nations. Surely the U.S. has areas where it can invest money. We know that you have your own problems; perhaps we are less familiar with your problems than we are with ours, but we certainly do know that you have some problems. And we know that you have an area where you can invest money.

Q. The events of recent weeks, such as the U.S. announcement of the ASAT test and the spy dust charges, could hardly have been helpful in terms of preparations for the summit meeting. Is this type of thing seriously damaging?

A. As far as preparations for the upcoming meeting, let me assure you that we certainly attach tremendous importance to it. We have high hopes and serious hopes about the outcome, even though we do hear from the other side that they are taking a much more modest view of the meeting. They are not giving it that much significance, and we hear words to the effect that it is going to be an introductory meeting, only an agenda for the future, things to that effect. Well, we believe that to travel all the way to Geneva just to get acquainted, just to look at the beauties of Lake Geneva, the beauty of Swiss mountains, that is not adequate to the leaders of two such great nations. It is an expensive luxury. We will do all in our power to make the summit meeting instrumental in improving relations between the Soviet Union and the U.S.

Q. In an article to be released this weekend in *Foreign Affairs* magazine, former President Nixon says that an agreement reducing arms, but not linked to restraints on political conduct, would not contribute to peace. In effect he is saying that the first priority of a summit should not be arms control, but potential flash points and pressure points between the U.S. and the Soviet Union. Do you share that view?

A. It is interesting for me to hear what President Nixon is doing these days. As for the topics that we are going to take up in our discussions with President Reagan, we are working on that right now. We are in contact with the State Department, the White House, and this is an ongoing process. I would not like at this point to go into any of the details of this preparatory work.

Your mentioning Nixon certainly gives me some associations and some memories of a different kind. After all, it was in a very difficult period of our relationship that we managed to find, with Nixon when he was President, the solutions to some very important issues. I recall still further back in 1961 the meeting between Khrushchev and President Kennedy in Vienna. That was a very difficult time as well. There was the Caribbean crisis, yet in 1963 we saw the partial test-ban treaty. Even though that was again a time of crisis, the two sides and their leaders had enough wisdom and the boldness to take some very important decisions. History is very interesting in that way, when you attempt to draw lessons from it.

Q. You have, at least in the view of the world press, started a quite new style of politics in the U.S.S.R. You have gone out and met many people, mingled with workers, and been very visible. Do you enjoy this kind of activity? What benefits do you see deriving from it?

A. Well, first of all, it is not just my own personal style. This is something that we all learned from Lenin. It goes back to Lenin. He said on quite a few occasions that to know life you must live as the masses do, live among the masses, learn from the masses, feel their pulses at work and reflect their thinking, their mood in your policies. I would give priority in that to Lenin. It is not my invention.

Second, it is nothing new in my practice. I used that style all along. I did that kind of thing in Stavropol. I did it here when I was transferred here before I became General Secretary. It is my usual work style. Maybe on occasion, when I have been traveling in the country, the press has given it more prominence and played it up a lot more. The press can do anything. But also I should say there was a need to go out and meet people more.

We are now in a new phase in our economic development, qualitatively in a new phase, new plans, new problems. We do have problems, some serious big problems to resolve. We have for the past several years been making a thoroughgoing analysis of our development of all the problems at hand, and we feel that there is a need to familiarize the working people generally with the conclusions that we are arriving at, to test those conclusions and the people's reactions so that when those analyses have been tried and tested we can come out with them at the forthcoming Party Congress early next year. I would say that it is not a question of whether I enjoy that style or not. You cannot work otherwise. It is the only way you should and can work, provided you want to achieve results.

Q. You have proposed some very deep changes in Soviet society and have already replaced quite a number of officials. One assumes you will replace quite a number more. Are people afraid of you?

A. [Laughter from Gorbachev.] Well, what we have been doing and intend to go on doing is not a reflection of just my point of view. It is the common view of our leadership. We are convinced that we are doing the right thing. These questions are ripe for a solution and they clamor for a solution. They need to be resolved. That is the most important conclusion that I have drawn from my many meetings with people in all walks of life: workers, engineers, scientists, intellectuals, everybody. I see exceedingly warm support for what we are proposing for the line we are taking. What's more, I see that many, both within the party and among the population at large, are impatient for more than we are doing.

But while we try to be bold and determined, we also try to be circumspect in what we are doing. We will continue to act in a spirit of great responsibility to the people. But the people are really clamoring for firmness in our policies. There should be no difference between words and deeds. The deeds should match words. You know we are under very strict control in this country as to what we do and what we have been doing, that is, greater publicity for major decisions and other measures have led to a sense of greater opening and flowering of our democracy. I think that people are not only not afraid of me but welcome the approach we are taking.

I trust that you will not think that I am inclined to look at all of this with rose-colored glasses. This is a very profound process, and it is one that is concerned with the very deep restructuring. It is a very important thing in this country. It affects people, it affects personnel, it affects the very methods of management. The fact that we have been replacing some people is nothing of an extraordinary nature. This is a process that has been going on since perhaps a couple of years ago, it is an ongoing process, it is a natural process of replacement. It will be a bad situation when the process stops. It is not that these various decisions on personnel problems reflect some kind of political struggle around the problems that we are endeavoring to resolve nowadays.

We feel that everyone everywhere in the Soviet Union must change all of their work styles; that goes for all of us here and down at the regional levels and down at the worker-collective level. Everyone has got to restructure things, restyle his whole way of working and thinking. This will still require a great deal of work within the party and within the entire population. This policy has enjoyed some very great support among the people, and that shows that we have taken the correct line. Now if only we can

fulfill our plan as well as we have done during this interview.

I think that there was some prior arrangement that we would spend about one hour together. It has now been two hours. If we could overfulfill our production plans like that it would be great.

I would like to end by just saying a few words that are important in understanding what we have been talking about all along. I don't remember who, but somebody said that foreign policy is a continuation of domestic policy. If that is so, then I ask you to ponder one thing: If we in the Soviet Union are setting ourselves such truly grandiose plans in the domestic sphere, then what are the external conditions that we need to be able to fulfill those domestic plans? I leave the answer to that question with you.●

## REPORT ON OVERSIGHT OF THE JOB TRAINING PARTNERSHIP ACT IN INDIANA

● Mr. QUAYLE. Mr. President, today I am reporting on the findings from oversight of the Job Training Partnership Act (JTPA) in Indiana.

July 1, 1985, marked the first anniversary of JTPA. As chairman of the Senate Labor and Human Resources Subcommittee on Employment and Productivity and an author of JTPA, I directed the subcommittee to conduct oversight activities to determine whether JTPA is meeting Indiana's substantial training and retraining needs. In recognition of the start of the second full year of program operations, the purpose of this oversight was to examine the implementation of JTPA and to determine whether amendments to the new statute are needed. I want to draw the attention of my colleagues to a report I am issuing that summarizes the findings from that case study of JTPA operations in Indiana.

Before I discuss our findings, I would like to provide some background on the oversight activities of the subcommittee.

### OTHER SUBCOMMITTEES OVERSIGHT OF JTPA

Earlier oversight of JTPA was conducted by the subcommittee in the fall of 1984. Congressional staff held discussion forums and made site visits throughout the country to assess the implementation of the new training program. The individuals consulted represented a broad range of perspectives.

At that time, the subcommittee found that there was strong support for JTPA. The implementation phase was still progressing as States and service delivery areas were learning about program operations and their new roles and responsibilities under JTPA. A summary of the findings from regional oversight activities in Maine, Mississippi, Ohio, Tennessee, and Washington is contained in the committee print entitled, "Preliminary Oversight on the Job Training Partnership Act," Senate print 98-264.

### INDIANA'S TRAINING NEEDS

Naturally, as a representative of Indiana, a State with substantial training needs, I am eager to know whether its needs are being met by legislation that I was instrumental in designing.

The tremendous need for JTPA in Indiana is documented by unemployment statistics. Monthly unemployment rates in Indiana have exceeded national unemployment rates regularly since 1979. For 1984, the annual average unemployment rate for Indiana was 8.6 percent, while the national average was about 7.5 percent. The most recent monthly data available, for August 1985, show a significant improvement in Indiana's unemployment rate as it dipped and came close to meeting the national figure: Indiana's unemployment rate was 7.4 percent and the national unemployment rate was 7 percent.

Indiana's retraining needs are exacerbated by the fact that it has been one of the States hit hardest by the recent structural changes in the economy, particularly in the auto and steel industries, which form the backbone of Indiana's manufacturing sector. Plant closings and permanent layoffs continue to result in large numbers of experienced workers suffering long bouts of unemployment.

### BACKGROUND TO JTPA

JTPA was signed into law on October 13, 1982, and the new nationwide job training program became effective on October 1, 1983. Following a 9-month transition period to the new program year, JTPA began its first full year of program operations on July 1, 1984.

JTPA authorizes a Federal job training program that replaced the Comprehensive Employment and Training Act (CETA). Building on the knowledge acquired through CETA and its predecessors, including the Manpower Development and Training Act, JTPA incorporates past experience with an innovative service delivery system to tackle the problems of chronic unemployment and poverty. The salient feature of this innovative approach is the substantial role given to the private sector in the design and administration of job training programs.

The philosophy underlying this approach is that the private sector knows best the skills and attitudes employees should possess for successful employment. Private sector involvement is a critical link between the training provided and the jobs that are available. As a result of this linkage, training is tied to economic development. Since decisions regarding the design and operation of training programs are most appropriately made at the local level, JTPA employs a decentralized service delivery system. For more information on program requirements, the appendix to the report contains a primer on JTPA.

### OVERSIGHT OF JTPA IN INDIANA

As part of the Indiana case study, I conducted six oversight hearings. These hearings were held in Indianapolis and Evansville on July 1; in South Bend and Gary on July 2; and in Lafayette and Fort Wayne on August 7.

In addition to these six formal oversight hearings I chaired, staff held five discussion forums in conjunction with onsite visits in other parts of Indiana. Staff forums and site visits took place in Kokomo on April 2; in Columbus on June 5; in Salem on August 21; in Marion on August 22; and in Muncie on August 26.

The individuals who took part in these oversight sessions represent the broad range of perspectives involved in setting JTPA policy and in program operations at the Federal, State, and local levels. Many of the participants are members of private industry councils. A list of all the individuals who testified is contained in the appendix. All of Indiana's 17 service delivery areas were represented.

Participants included the Secretary of Labor, William E. Brock III; Indiana Gov. Robert D. Orr and Lt. Gov. John Mutz. Other witnesses included 19 chairs and former chairs of private industry councils; 21 local elected officials; 11 business representatives of private industry councils and dislocated worker programs; 10 representatives of chambers of commerce and economic development; 10 representatives of labor; 14 representatives of education; 10 representatives of the handicapped and vocational rehabilitation; 12 representatives of minorities; 17 representatives of youth, women, senior citizens, and veterans; 15 representatives of employment security and the bureau of apprenticeship and training; 29 employers of trainees; 22 trainees; and 29 program operators, training providers and community-based organizations.

I would like to extend my appreciation and gratitude to all those who assisted in the case study of JTPA in Indiana. Thanks are due to everyone who expressed their views orally and through written testimony. The subcommittee would particularly like to thank the members of private industry councils, who are volunteers, for their time. From all the comments that were made, it is evident that communities are accepting their responsibilities under JTPA in a thoughtful and serious manner.

We also extend our appreciation to the businesses and companies that permitted their employees and JTPA trainees to meet with staff. Finally, the subcommittee would like to thank JTPA administrators and their staffs for all the assistance they provided in organizing and conducting these oversight activities.

FUTURE OVERSIGHT

Findings from the preliminary oversight activities in 1984 and the 1985 case study of Indiana will help shape the issues the subcommittee examines during oversight hearings planned at the national level, in the spring of 1986. These Washington, DC, oversight hearings will take place near the conclusion of the first 2-year planning period.

SUMMARY OF MAJOR FINDINGS

Now I would like to turn to the findings of the six oversight hearings I chaired and the five staff forums and site visits undertaken by staff this spring and summer. The subcommittee's major finding is that JTPA has been effective in assisting Indiana's unemployed find jobs in the private sector. The new service delivery system is firmly established and well positioned to address the training needs of the structurally unemployed.

Performance standards for Indiana indicate that, for the first three quarters of program year 1984—July 1984 to March 1985—80 percent of adults and 70 percent of youth who completed JTPA found jobs. Comparable national figures show that 70 percent of adults and 62 percent of youth who terminated from the program were placed in jobs. This compares favorably with CETA which, nationally, had a placement rate of 39 percent in the basic program—title II-B—and 35 percent overall.

Foreign trade and structural changes in the auto and steel industries have changed the industrial base of many Indiana communities. JTPA, through the local public-private partnership and the private industry council with its business majority and communitywide participation, is serving as a forum for the development of local solutions to eliminate unemployment in conjunction with economic development.

The comments of many witnesses were echoed by one chief local elected official:

I think it [JTPA] gives an opportunity for both sides to develop strategies [to accomplish the goals of the Act], but also to perhaps get a little more creative and . . . develop our own economic development strategies at the local level.

Witnesses credited the local partnership between business and elected officials for the successes that have been achieved by the service delivery areas (SDAs) in meeting and surpassing performance standards. See the appendix for program data, statewide and by SDA.

The role of the private sector was generally acknowledged as the key to the SDAs' success in placing the unemployed in jobs. Consequently, private sector involvement has been enthusiastically received and welcomed throughout Indiana.

There is also strong support for the decentralized decisionmaking process. SDA representatives said that, under local control of the program, they enjoy a new sense of ownership and satisfaction.

Testimony indicated that the increased autonomy and flexibility accompanying JTPA's decentralized approach is essential to the continued involvement of the private sector. As a result, concerns raised about the program tended to focus on how to further enhance the autonomy and flexibility of the SDAs and the private industry councils (PICs).

To briefly summarize, testimony received by the subcommittee in Indiana indicated strong support for JTPA. In particular, there is a great deal of enthusiasm for business involvement through the local public-private partnership. There is a very strong consensus that, with the possible exception of a few minor changes to achieve some technical fine tuning to enhance the flexibility of SDAs in meeting the goals of the act, amendments to JTPA are not necessary and should be avoided. Witnesses indicated that, with more leadership from the U.S. Department of Labor, many of the concerns that were raised could be resolved administratively, at the State and local levels.

At the conclusion of my remarks, I ask to have the detailed discussion of findings and its appendix inserted in the RECORD.

The material follows:

DETAILED FINDINGS

Following is a detailed discussion of findings from the oversight sessions on the Job Training Partnership Act (JTPA) conducted in Indiana by the Subcommittee on Employment and Productivity between April and August 1985.

It should be noted that this section examines concerns or issues that were frequently raised by representatives of many different perspectives: private industry council (PIC) chairs and other PIC members, elected officials, program administrators, representatives of related programs and advocates of the client populations. The purpose of this detailed discussion is to present the findings of the Subcommittee without commenting on the merits of the concerns that were raised or recommendations to address them.

It is important to stress that there was a consensus among the Indiana witnesses that JTPA should not be amended at this time. Although suggestions were made for possible minor improvements to the Act, witnesses generally maintained that Congress should be cautious in making any changes other than minor adjustments to enhance local flexibility in meeting the goals of JTPA. Instead, witnesses indicated that, with more leadership from the U.S. Department of Labor, many of the concerns that were raised could be resolved administratively, at the State and local levels.

PERFORMANCE STANDARDS

All of Indiana's service delivery areas (SDAs) are meeting or exceeding their performance standards, which are welcomed as a means of evaluating program results. However, despite this acceptance and support, performance standards have become the focus of controversy in that they may encourage program operators to cater their services to some categories of individuals among the eligible population but not others. Many witnesses are concerned that the performance standards restrict the ability of SDAs to serve a portion of the economically disadvantaged that requires a longer period of training and a greater investment of JTPA resources. This is commonly referred to as "creaming".

Witnesses explained that the performance standards currently being implemented by the U.S. Department of Labor heavily emphasize the achievements of immediate job placement, at a low program cost, starting at a salary above the legal hourly minimum wage of $3.35. Consequently, some witnesses said they are discouraged from serving individuals for whom a successful outcome may be achievement of basic skill competencies rather than immediate employment and for whom more extensive and, consequently, more expensive classroom training is required.

Given the limited funds available for JTPA in proportion to the size of the eligible population, SDAs must set priorities and make decisions regarding the most effective use of the training dollar. The emphasis placed on job placement combined with the increased participation of the private sector, has caused an unprecedented use of on-the-job training (OJT). OJT often leads to permanent employment, and subsidized wages paid to OJT participants provide them with an income during the in-training period. OJT is an effective and efficient training approach. That SDAs are able to meet the performance standards, with high placement rates at low cost, largely through the increased use of OJT is an indication that JTPA's design is a success.

However, witnesses requested that the performance standards be revised in order to encourage SDAs to provide more longer-term and competency-based training for both youth and adults who need more basic skill development to become employable. This would enhance the flexibility of the SDAs to serve a broader range of the eligible population. Such performance standards would also allow more exploration and development of training programs that prepare individuals for a future of employment in different jobs rather than simply training for a specific job.

Witnesses within SDAs had divergent views on whether or not the performance standards caused JTPA to cream—or selectively enroll those who stand to benefit most from short-term training.

One witness, a program director who was also involved with CETA, summarized the thoughts of many: "The establishment of performance standards helped to stress the need for high performance in the system. It told us . . . that Congress is serious about placing people in jobs. I think that, overall, the system has responded admirably. JTPA has gained credibility in a short time period. It has proven that when employers are involved in a meaningful way, effective progams are the result." This same witness went on to add that, ". . . we need to examine the 'T' in JTPA. We need to be more creative in our use of longer-term technical training combined with OJT if we are going to have trainees making quantum leaps in skill and wage levels."

Several witnesses pointed out that performance standards do not measure the

sorts of outcomes that are specified in the Act, such as reductions in welfare earnings, increases in earnings over a period of time after terminating from JTPA, or decreases in unemployment. In addition, SDAs indicated that they are discouraged from purchasing the supportive services necessary to enable some individuals to participate because SDAs will be penalized by the performance standards for doing so. (See the discussion under the subheading Supportive Services.)

Witnesses who did not think creaming was a problem pointed out that SDAs can and must make sound business decisions, within the constraints of the program but with the benefit of input from private sector PIC Members. Witnesses stressed that training is an investment and communities want a significant return on their tax dollar. Not all the disadvantaged can benefit equally from training, and many have problems for which training is not the solution. One witness commented that the performance standards have ". . . given the program direction and contributed to more positive results. Although these standards may force some agencies to cream, the tangible results are important enough to merit consideration."

Most witnesses welcomed the fact that participants in JTPA are more committed and highly motivated to gain training for its own sake. It was generally agreed that this has resulted in a higher percentage of participants completing their training. Minority representatives suggested that increasing participation of some segments of the eligible population required a sensitivity to cultural differences and to attitudes about past Federal programs that "set up a continuing perception that interferes with operations of JTPA," as one witness put it.

There is uncertainty over the extent of the State's authority and responsibility for adjusting performance standards for the SDAs. SDAs expressed confusion regarding the regression model developed by the U.S. Department of Labor for adjusting the performance standards for local economic conditions and characteristics of populations served.

Several SDAs expressed concern with the methods of calculating the average wage at placement standard. This seemed to be especially a problem for SDAs in which several rural counties are joined with a single, heavily industrial county. In calculating the average wage for such an area, a few large companies with high starting salaries are included, driving up the average for the entire area. It is then difficult, throughout the other counties, for trainees to be placed in jobs that have starting salaries within the correct wage range. A further complication in such an area is that its large companies are often in industries which are currently in the process of laying off and reducing their labor forces. With many former employees awaiting recall, it is extremely difficult to place trainees in these higher paying companies.

SUPPORTIVE SERVICES

Some SDA representatives maintained that more JTPA funds are needed for supportive services, such as child care, transportation and counseling. When questioned, these witnesses stated such services are not available through other sources. Those who expressed concern about supportive services under JTPA said that this reinforced the tendency of the performance standards to focus JTPA on serving the portion of the eligible population that benefits most from short term training.

When questioned about such concerns, SDAs often said they had not requested the waiver on supportive services authorized by Section 108(c) and did not favor doing so. This waiver, which the PIC must request from the Governor, permits SDAs to use some training funds for supportive services in limited circumstances. Witnesses generally responded that, since too few funds were available for training, they did not want to sacrifice training funds to underwrite supportive services costs.

A further disincentive to seeking a waiver is that purchasing additional supportive services would hinder SDAs from meeting the performance standards by increasing the cost per trainee. Witnesses recommended that the performance standards be adjusted to take these costs into account.

Witnesses who do not share this concern believe the need for supportive services for trainees is being met through improved coordination with related programs such as Title XX—Social Services, Aid to Families with Dependent Children (AFDC), the Employment Service and Vocational Rehabilitation.

STIPENDS

Witnesses indicated support for the elimination of stipends, except in some limited cases with youth. Some SDA representatives said that, without the stipends, JTPA offers little enticement to participation for the most extremely disadvantaged, minority, inner-city youth. A stipend would provide the incentive necessary to attract these youth into the program.

Although the Act permits "needs based payments necessary in order to permit an individual to participate" (Sec. 204(27)), some witnesses would prefer a more explicitly authorized use of stipends, in limited circumstances, for youth.

One witness, who supported the move to eliminate stipends in order to encourage self-motivation, suggested that a stipend be offered in the form of a reward to recognize training achievements. This would promote self-motivation among youth participants and help cover minimum training expenses.

SERVICES FOR YOUTH

Many Indiana SDAs share a common concern over the level and quality of services for youth between the ages of 16 and 21. The Act requires that 40 percent of each SDA's allocation must be spent on youth. A State's Governor may adjust this percentage for an SDA so that it more closely reflects the proportion of youth in the SDA's eligible population. In some instances, SDAs are experiencing difficulty meeting this requirement because of conflicting or restrictive program requirements, and in other instances the level of expenditures required to be spent for youth is believed to be too high. Often SDAs ascribed their difficulties in meeting the 40 percent requirement to a combination of these factors.

Several witnesses stated that the 40 percent requirement is too high because services for youth are not as expensive as services for adults. Witnesses who thought that 40 percent was too high a level said the requirement forces them either to purchase more expensive services for youth rather than be cost effective, or to serve a disproportionate number of youth, over 50 percent in some cases. Representatives from SDAs with this problem, usually rural areas, sometimes said they had difficulty finding enough eligible youth who wanted to be in the program.

Witnesses indicated that the objectives set out in the performance standards seem to be inconsistent with the Act's emphasis on serving youth. The performance standards, with their emphasis on job placement upon termination from the program and on high average wages at placement, discourages SDAs from serving youth whose needs and goals do not coincide with these objectives. Youths between the ages of 16 and 21 more often seek help in completing high school, pursuing continuing education, or achieving remedial education and learning employability competencies. The length of time, costs, and outcomes of these activities hinder SDAs from meeting the performance standards.

To correct this, a common recommendation was that, instead of requiring each SDA to devote 40 percent of its funds to youth programs, SDAs should be required to ensure that 40 percent of their JTPA program participants are youth. It was pointed out that this would also help ease the administrative burden on SDAs, which must track dollars earmarked for youth under the present requirement.

Others recommended that the method used to calculate the portion of funds to be spent on youth should be changed. Rather than arbitrarily set 40 percent as the goal, the Act should set out broad guidelines and each SDA would establish a percentage based on the relative proportion of youth in the eligible population.

It was also suggested that SDAs could be enabled to meet the 40 percent requirement by raising the age limit to 25. High school dropouts and disadvantaged youth between the ages of 21 and 25 who are unemployed and lack basic skills are one of the most at-risk segments of the unemployed population. Their needs coincide with the objectives set out in the performance standards.

One witness described the problem with the youth program requirement in his SDA. For youth up to the age of 18, the objective is to encourage them to stay in school, which is relatively inexpensive. The result is that most of the funds under the 40 percent requirement are targeted at 18 to 21 year-olds, who make up less than 10 percent of the population. The SDA represented by this witness is a mix of rural and industrial areas.

In support of the suggestion that the age limit should be raised to 25, witnesses pointed out that in Indiana the situation facing these youth has been exacerbated as the manufacturing sector reduces the relative size of its labor force and the number of well-paying, unskilled jobs decreases. If unskilled youth between the age of 21 and 25 are currently employed in an industry that is laying off workers, they are liable to be the first to be laid off—and they are the last to be called back, due to their lack of seniority. Unskilled and disadvantaged youth in this age bracket need preparation both for entering the labor market and for adjusting to structural changes in the economy.

Another proposal to deal with the difficulties experienced under the 40 percent requirement was to extend eligibility to include youth who, due to financial difficulties, such as unemployment, have been forced to return home to live with their parents or family. In calculating eligibility, these individuals should be treated as a "family of one," which the Governor is permitted to do for handicapped adults.

A number of witnesses said that if restrictions on work experience for out-of-school youth were lifted, they would be able to

meet the 40 percent requirement. Several witnesses recommended that Section 205 relating to try-out employment for in-school youth be extended to include out-of-school youth.

A few SDAs were particularly concerned about the method currently used to adjust the 40 percent requirement, which takes into account youth attending post-secondary institutions. Consequently, for SDAs in which there are large post-secondary institutions, the 40 percent requirement is increased to 45 percent or more. This problem is particularly evident in the Tecumseh SDA which includes Purdue University; the South Central SDA with Indiana University; and the East Central SDA, where Ball State University is located.

DISLOCATED WORKERS

Both management and labor strongly support the dislocated worker program established by JTPA's Title III. What concerns were expressed by management, labor and program participants in describing their experiences generally reflect the experimental nature of this new program. Witnesses expressed dissatisfaction with Title III's administrative requirements, which entail excessive paperwork and result in slow start-up time that hinders effective implementation of programs. In particular, the grant approval process should be expedited because early intervention is vital. A secondary concern is that there has been a proliferation of administrative entities at the local level which may require better coordination and perhaps even consolidation.

PROGRAM FUNDING

One of JTPA's major goals is to provide program stability through forward funding, by establishing a program year that begins after Congress' appropriation cycle ends. The purpose of this is to encourage advance planning by giving the SDAs 18 months notice of funds to be available to them. However, some SDAs are finding it difficult to do advance planning.

The goal of program stability has been at least partially thwarted by three factors: First, the substate distribution formula permits severe fluctuations in allocations; second, programs have different methods of allocating funds and consequently different operating schedules; and third, funds already appropriated may be withheld pending action at the Federal level.

First, in some SDAs, changes in unemployment levels have caused severe reductions in allocations. Two-thirds of the substate distribution formula for Title II-A is based on factors relating to levels of unemployment. Consequently, as unemployment rises or falls from one year to the next, SDAs will find their allocations changing accordingly. When this causes severe fluctuations in funding, program stability is threatened. The auto and steel industries, which dominate Indiana's manufacturing sector, are particularly susceptible to fluctuations in unemployment. Two of Indiana's SDAs will experience severe reductions in funds from Program Year (PY) 1984 to PY 85. The Northern Indiana Job Alliance will have a 28 percent reduction and the North Central Indiana SDA will have a 25 percent reduction.

Witnesses advocated holding SDAs harmless from such fluctuations under the substate distribution formula, as is already done in the distribution formula to the States. While the distribution formula to the SDAs is the same as that used for the States, there is a 90 percent hold-harmless clause for the States that phases in fluctuations in the distribution formula caused by decreases or increases in unemployment.

Secondly, although the dislocated worker program under Title III is forward funded, it is up to the Governor to decide whether these funds will be automatically passed through to the SDAs. In Indiana, SDAs must go through a grant approval process with the State and, in some instances, with the Secretary of Labor. Furthermore, under the grant approval process, starting and ending dates for these programs vary widely and are uncertain until a grant is finally approved. Consequently, it is difficult to do advance planning. (It should be noted that, starting in PY85, Governor Orr has directed that a portion of the State's grant for the dislocated worker program will be automatically distributed according to a formula among the SDAs.)

Finally, in early 1985, in an effort to reduce Federal expenditures, the Administration requested a rescission of funds Congress had already appropriated for PY86. This request affected a wide array of Federal programs. Although Congress did not approve the request, the Administration did not release the funds proposed for rescission until several months later, when the legally required time for Congress to act on the rescission request had expired. Consequently, $100 million for the 1985 summer youth program (Title II-B) was not released until the summer program was already in operation. Many Indiana SDAs had neither expected to receive nor planned for this money, and some of them were unable to use all of it on such short notice.

ADMINISTRATIVE REQUIREMENTS

In all SDAs, primarily among PIC members and program administrators, there is concern that the increased amount of paperwork required under JTPA threatens the continued involvement of the private sector. PIC members, and especially PIC chairs, are being overwhelmed by the onerous burden of administrative requirements that occupies too much of their time and interferes with their ability to focus on the quality of the training that is being provided in their SDAs.

These concerns were well expressed by one PIC chair:

Those who crafted the JTPA legislation and the Department of Labor are to be congratulated for not burdening the system with the myriad regulations and restrictions that crippled CETA. It is the local flexibility and discretion of JTPA that is responsible for the private and public sector support it has received . . . . Continuing support by the private sector . . . will be largely dependent on the extent to which local flexibility and discretion can be maintained and expanded—and the degree to which the State will continue to support local initiatives and flexibility, and the support the SDAs can expect from the Department of Labor when designing and implementing innovative programs to serve their areas. A preoccupation with audit and liability issues can have a chilling effect on creativity and production if allowed to subtly rewrite the intent of JTPA legislation.

The increase in paperwork was attributed to several factors, including maintaining records for three or four separate programs on the following items: performance standards for youth and adults; limitations on expenditures for administration, training, and supportive services; service levels for target populations; and some unique requirements for each program. Finally, the development of annual and biennial SDA program plans becomes burdensome when changing State requirements make revisions necessary.

To reduce administrative entanglements, SDAs called for clarification of the roles and responsibilities of the different levels of government. Witnesses indicated that Federal guidelines are often open to a number of different interpretations. In conjunction with this, there is concern that SDAs have often been required to alter plans because of changing State requirements and policies. SDA representatives commented on the need for the State to be more accountable to localities for decisions that affect SDAs. This could be accomplished by giving SDAs a more active role in the development of policies.

Other suggestions for reducing burdensome paperwork requirements focused on striking a better balance among the program requirements, either by eliminating some of them or by changing the method of implementation, thereby achieving some streamlining.

Representatives from several PICs suggested that Congress should set broad guidelines for minimum services to target populations and then allow each SDA to identify the target populations in its area and set goals for services to those groups. This would eliminate a common complaint that SDAs are required to serve target groups that they do not have in their area, or that SDAs are encouraged to follow practices that are obviously contrary to the goals of the Act.

For example, a PIC chair for a very large rural SDA said that it is difficult to meet the requirement to serve participants in the Work Incentive (WIN) program because eight of the SDA's eleven counties no longer participate in the WIN program. Representatives of another, largely rural SDA are perplexed because the percentage of high school dropouts they are required to serve is so high that, in order to serve that level of dropouts, they would have to refrain from encouraging youth to stay in school.

Another PIC member wondered why it is necessary to track the cost limitations on training, administration and supportive services, so long as an SDA meets its performance standards and its goals for the target populations. He expressed confidence that private sector involvement will keep administrative costs down.

Finally, several witnesses called for the development of incentives to encourage and reward private sector participation on the PICs. Suggestions ranged from providing a tax incentive to establishing a Congressional or Presidential award to recognize exceptional community service on the part of a business representative, employer or company.

STATE JTPA PROGRAMS AND RELATED FEDERAL PROGRAMS

Generally, SDA representatives said that JTPA improves the opportunity for coordination with related programs through area-wide agreements and cross-referral of clients and applications. Some SDAs have established joint offices or cooperative agreements with related programs.

However, SDA representatives are concerned about the proliferation of State and local administrative entities under JTPA. They also spoke of the need for better coordination between JTPA and related Federal programs, such as Aid to Families with Dependent Children (AFDC), Food Stamps,

the Employment Service, housing and economic development programs.

Some PIC chairs felt that the State operated JTPA programs could be more efficiently administered and coordinated with other programs if the funds were automatically passed through to the SDAs.

To improve coordination of JTPA with the education system, SDA representatives discussed the need to tailor classroom training to meet the needs of employers and trainees. As one witness said, "The mission of the vocational education system should be to teach the job skills that employers will need in the near future. . . . JTPA entities need to be more creative in helping employers package vocational training with OJT. The vocational education system needs to be more aggressive in identifying new skill needs in delivering the training."

According to a PIC chair:

When given a choice between a paycheck and deferring against one while in school, not too surprisingly most eligible participants will opt for the paycheck . . . . As schools . . . redesign technical training to better meet employer requirements, . . . extend the training hours available per week and eliminate . . . the preoccupation with degrees, . . . classroom training will become more attractive. . . . Under JTPA, classroom training can take place hand-in-hand with on-the-job training. As classroom training becomes more relevant—and efficient—to the employer's needs, and as more employers become aware of the opportunity, this training option will be better used. . . . "Classroom" training will be much more appealing to the JTPA participant if there can be a realistic expectation of appropriate employment at completion. With some support from the States for the schools and input from the business community, we believe this issue will, for the most part, correct itself."

In another area, Lieutenant Governor John Mutz addressed the concerns of many witnesses when he suggested that better coordination could be achieved if Congress would decentralize the Employment Service by turning over control of its administration and funding mechanism to the States. ES and JTPA have similar goals, and decentralizing ES would make its delivery system more compatible with JTPA's and bring the administration of ES closer in relation to the problems it is addressing. Consequently, significant efficiencies would be achieved in program operations.

In this regard, the Indiana Employment Security Division is currently implementing a proposal to improve local coordination between ES and JTPA, in consultation with SDAs. The Indiana Employment Security Division is also in the final stages of implementing a State-wide computerized job matching system which will be available for use by JTPA staff.

Several representatives for the elderly called for improving coordination between the State 3 percent set-aside for senior citizens and the community services employment program, Title V of the Older Americans Act. These witnesses stated that coordination is currently hampered by the different eligibility requirements currently contained in the two Acts. JTPA requires a lower income for eligibility.

To improve coordination and better meet the needs of the elderly, many witnesses advocated applying Section 203(a)(2) to the 3 percent set-aside for seniors. Section 203(a)(2) permits up to 10 percent of Title II-A funds to be used for individuals who do not meet the income eligibility requirements but who have other barriers to employment. In addition, it was recommended that Social Security benefits not be included in calculating income for determining eligibility for the 3 percent set-aside program.

Pointing to JTPA's emphasis on serving welfare recipients, several witnesses expressed the view that the goals of both the Act and the AFDC program could more easily be met by changing certain AFDC program requirements that discourage participation by AFDC recipients. Many SDA representatives noted that AFDC recipients need to continue being eligible for other Federal programs, such as Medicaid and housing programs, for a short period of time as they make the transition to full employment.

Currently, AFDC benefits are terminated once the recipient is employed, but witnesses supported gradually phasing out AFDC benefits during the initial period of employment in order to improve the likelihood that the recipient will successfully (re)enter the job market. Witnesses said a phase-out of food stamps, health care and housing for beneficiaries who have gained employment is particularly important, and they noted that such a phase-out reduces the risks involved for AFDC recipients who enter into training, making it a more attractive option.

A PIC chair for a rural SDA recommended eliminating Section 142(b), which requires that allowances, earnings and payments be counted as income for programs under the Social Security Act, because it provides a disincentive to participation in JTPA programs for AFDC recipients. As a result of this provision, some counties in his SDA reduce AFDC benefits when recipients receive needs-based payments to cover training costs, such as books, tuition and travel.

EMPLOYERS, TRAINEES, AND SITE VISITS

During their Indiana site visits, Senator Quayle's staff met with program operators, trainees and employers of trainees. Employers and trainees also provided testimony at the Subcommittee hearings chaired by Senator Dan Quayle, and they attended the staff discussion forums to talk about their experiences.

Employers and trainees were understandably enthusiastic about their successes. Employers generally expressed surprise and pleasure at the lack of paperwork or other bureaucratic requirements, often acknowledging that they had been suspicious about JTPA at first but discovered that their fears about working with a Federal program were not warranted. Employers said they would continue to be involved with JTPA as the need arose. Employers who had been involved with both the CETA and JTPA programs generally expressed greater satisfaction with JTPA.

But some witnesses cautioned that JTPA should not become a 'welfare program for employers.' One witness addressed this point in his testimony:

The main thing that we are looking for is a fair business transaction. We don't give money to employers arbitrarily. We provide incentives for an employer to hire someone who he/she would not otherwise hire without the incentive. If no financial incentive is needed, we simply screen and refer our eligible individuals . . . We need to be careful in our use of financial incentives. We should not be buying a job that was available at no cost.

The Subcommittee staff saw many outstanding examples of successes during site visits. Some of these model programs are receiving national and statewide recognition:

Partners 2000 Summer Youth Program (Indianapolis Alliance for Jobs, Inc.)

Indiana Northeast Development (Northeast Indiana Private Industry Council, Inc.)

Carpenters Local 458 and the Town of English Summer Youth Program (Hoosier Falls Private Industry Council, Inc.)

Ball State University Summer Program for Handicapped Youth (East Central Indiana Private Industry Council, Inc.)

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A PRIMER ON THE JOB TRAINING PARTNERSHIP ACT

JTPA'S LEGISLATIVE HISTORY

On February 2, 1982, U.S. Senator Dan Quayle (R-IN), chairman of the Senate Labor and Human Resources Subcommittee on Employment and Productivity, introduced S. 2036, the Training for Jobs Act.

Originally cosponsored by U.S. Senators Orrin Hatch (R-UT), Paula Hawkins (R-FL), Edward M. Kennedy (D-MA) and Claiborne Pell (D-RI), Quayle's initiative proposed to repeal the Comprehensive Employment and Training Act (CETA), enacted in 1973, and replace it with a new nationwide job training program designed to help bring unemployed, economically disadvantaged and dislocated workers back into the job market by teaming up government, business and industry to provide the jobless with the training and retraining they need to land permanent and meaningful employment.

Quayle's bill was the result of a series of hearings he held on job training issues during 1981. That June, he chaired four Employment and Productivity Subcommittee sessions in Washington, D.C., and on August 25 and 26, he conducted field hearings in Indianapolis.

On March 15-18, 1982, Quayle's Employment and Productivity Subcommittee held joint hearings on S. 2036 with the House Education and Labor Employment Opportunities Subcommittee. On April 22, Quayle's panel approved the measure for consideration by the full Senate Labor and Human Resources Committee, which reported Quayle's bill on May 28. The U.S. Senate debated Quayle's Training for Jobs Act and passed it unanimously, 95-0, on July 1, 1982.

In the House of Representatives, Congressmen Augustus F. Hawkins (D-CA), then chairman of the Employment Opportunities Subcommittee, and James M. Jeffords (R-VT), then the panel's ranking Republican, led the effort to develop a new job training program. The House passed its version, H.R. 5320, on August 4 by 356-52.

Quayle served on the Senate-House conference committee that was assigned the task of resolving the differences between the two bills. The final compromise measure, S. 2036, the Job Training Partnership Act, was approved by the Senate on September 30 by 95-0, and the House adopted the conference report on October 1, 339-12.

President Reagan signed the Job Training Partnership Act into law (Public Law 97-300) on October 13, 1982.

JTPA became effective nationwide on October 1, 1983, when President Reagan hailed it as an "historic and bold program."

THE PHILOSOPHICAL FOUNDATIONS OF JTPA

The Job Training Partnership Act differs from CETA, the program it replaced, in several fundamental ways:

Under JTPA, the role of private-sector employers in the planning and operation of job training programs is greatly expanded.

JTPA is built upon a government-industry partnership, rather than controlled by government alone.

At the same time, the federal role is reduced from what it was under CETA. More discretion in program operations is provided at the State and local levels, while Governors are given authority over the administration of JTPA in their States.

JTPA provides training, not make-work employment, for those it serves; the measure specifically prohibits public service jobs.

Only a limited percentage of JTPA funds may be used for training allowances, support services and administrative costs. Fully 70 percent of program funds must be spent directly on training.

All JTPA job training programs must measure up to carefully prescribed performance standards. The standards are tied to JTPA's goal, that of providing the jobless with the skills and assistance they need to move off welfare and into unsubsidized private-sector jobs.

JTPA includes the first program specifically designed to meet the needs of dislocated workers ever enacted by Congress.

THE ADMINISTRATION OF JTPA

JTPA requires each State to coordinate local job training and education programs and to collect information on labor markets. In Indiana, JTPA is being administered for Governor Robert D. Orr by the Indiana Office of Occupational Development (IOOD), under the direction of Lieutenant Governor John Mutz.

Under JTPA, each State is required to establish a job training coordinating council, which is responsible for providing guidance to the Governor on State administration and coordination of job training and related programs. The council also recommends how to divide the entire State into service delivery areas (SDAs), or the units of government within which JTPA job training programs will operate. Each State Governor is responsible for final designation of SDAs.

During 1983, the Indiana Job Training Coordinating Council (IJTCC) proposed and Governor Orr approved the creation of 17 SDAs in the State.

Each SDA must have a Private Industry Council (PIC), which is responsible for setting policy and overseeing training programs for the local SDA, for establishing procedures for developing a job training plan and for selecting a grant recipient and administrative entity to operate the SDA's program, in partnership with local elected officials.

A majority of each PIC's members—and its chairman—must be from the private sector. Private-sector PIC members must reasonably represent the industry and demographic make-up of the local business community; representatives of small business and minority enterprises should be included. Because they know best the skills required for jobs available now and those expected in the future, these private-sector PIC members provide vital input on the kind of training JTPA participants should receive. Likewise, PIC members from educational institutions, organized labor, rehabilitation agencies and economic development organizations serve to ensure that other community needs are addressed by local training programs. The Governor must certify that the membership of each PIC meets all the composition requirements specified in JTPA.

The PIC and chief elected officials in each SDA are responsible for developing the local job training plan, which must be approved by the Governor. Each SDA plan covers two program years, describes the job training services to be provided, identifies the participants to be served, sets performance standards, shows how the local plan will comply with the Governor's statewide coordination plan, specifies fiscal control procedures and requires the submission of an annual report to the Governor.

JTPA'S PERFORMANCE STANDARDS

Job training programs funded under JTPA must meet performance standards set forth by the U.S. Secretary of Labor. JTPA stipulates that the major goals of its programs should be to place participants in unsubsidized private-sector jobs, increase their earnings and reduce their dependency on public assistance. JTPA also provides that, in setting national performance standards, the Labor Secretary should prescribe variations in performance standards for training programs serving special population groups, and Governors are given the authority to vary the performance standards set by the Secretary within established limits so that they take into account the local economic conditions and the characteristics of program participants within an SDA.

The performance standards now in effect nationwide for programs serving adults require that 55 percent of the participants in a JTPA program should be placed in private-sector jobs after training; that the per person cost of training and placing participants in jobs should not exceed $5,704; that the average wage of program participants should be $4.91 when they are placed in jobs; and that 39 percent of program participants on welfare should be placed in jobs after training.

The nationwide performance standards for programs serving youth require that 41 percent of JTPA participants should be placed in jobs after training; that 82 percent of youth participants should acquire the basic skills necessary for employment or achieve such other successful outcomes as returning to school, entering the military or an apprenticeship; and that the per person cost of a positive outcome should not exceed $4,900.

When an SDA fails to meet performance standards, the Governor must provide it with technical assistance. A Governor is required to impose a reorganization plan for any SDA that fails to meet performance standards two years in a row.

THOSE SERVED BY JTPA

Under Title II-A of JTPA, funds are authorized for training disadvantaged adults and youth.

Title II-A funds are distributed to the Governor of each State according to a formula which gives equal weight to three factors: a State's share of the total low-income population; its share of the total number of unemployed persons living in areas with unemployment rates of at least 6.5 percent for the previous 12 months; and the relative number of unemployed persons in excess of 4.5 percent of the State's civilian labor force.

Eligibility for services provided under Title II-A is limited to the economically disadvantaged, defined as welfare and food stamp recipients, foster children, certain handicapped individuals and persons with incomes below either the Office of Management and Budget (OMB) poverty line or 70 percent of the Bureau of Labor Statistics (BLS) lower living standard income level. Up to 10 percent of those participating in Title II-A programs may be individuals who, while not economically disadvantaged, have encountered barriers to employment, such as those with limited English-speaking ability, displaced homemakers, school dropouts, teenage parents, the handicapped, older workers, veterans, criminal offenders, alcoholics or drug addicts.

Each SDA must use at least 40 percent of its Title II-A funds to train disadvantaged youth between the ages of 16 and 21.

Under JTPA, each State is required to set aside a portion of its Title II-A funds to run training programs for economically disadvantaged workers who are 55 years of age or older. These programs are to be developed in conjunction with SDAs around each State and should be designed to open private-sector employment opportunities to older workers.

Under Title II-B of JTPA, funds are authorized for a separate summer youth employment and training program, which provides on-the-job training, work experience and support services for economically disadvantaged youth during the summer months. An SDA may opt to make 14- and 15-year-olds eligible for II-B training programs.

Under Title III of JTPA, funds are provided for training the structurally unemployed—those displaced as industrial production levels and techniques change who will not return to their former jobs or occupations. Seventy-five percent of Title III funds are distributed each year to the States according to a formula that takes into account the number of unemployed persons and the length of time they have been jobless. The remaining 25 percent of Title III funds are awarded each year at the discretion of the U.S. Secretary of Labor to underwrite specific retraining programs that may be proposed by states.

States are required to match equally their allotment of federal Title III funds, which may be used to underwrite such activities as job search assistance, training for new jobs, support services and relocation assistance. States with high unemployment have a reduced matching requirement.

Title IV of JTPA authorizes funds for a number of programs administered at the national level by the Secretary of Labor. Specific amounts are set aside for assistance to Native Americans and migrant and seasonal farmworkers under Title IV-A. Under Title IV-B, funds are authorized for the Job Corps, the national program of residential and non-residential centers for the training and education of disadvantaged young people. Title IV-C of JTPA provides a set-aside of funds for an employment and training program for Vietnam-era and recently separated veterans and for veterans with service-related disabilities. Under Title IV-D, the Secretary is authorized to conduct multi-state programs, pilot projects, evaluation and research and to provide training and technical assistance. Title IV-E authorizes a federal labor market information system, including a job bank program, and reauthorizes the National Commission for Employment Policy, which is charged with reviewing and evaluating national employment and training policy.

JTPA also revised the Employment Service, which is principally funded by the federal unemployment tax. JTPA provides a new formula for the allocation of Employment Service funds, which States use for job search, placement and recruitment services for job-seekers and employers and for such other activities as program evaluation, labor market and informational systems and services for dislocated workers. Under JTPA,

two-thirds of each State's Employment Service allotment is based on the relative number of persons in the civilian labor force, and one-third is based on the relative number of unemployed individuals.

INDIANA'S SHARE OF JTPA FUNDS

JTPA required its job training programs to operate on a program year basis, from July 1 to June 30, rather than concurrently with the federal fiscal year, which runs from October 1 to September 30. The program-year system was designed to give job training program planners additional time between the setting of JTPA funding levels by Congress (usually just before the start of a new fiscal year) and the beginning of program operations. The JTPA program year system serves to provide program stability that was lacking under CETA.

During the initial nine-month transition to the full program year (from October 1, 1983, through June 1984), Indiana received $76 million in federal JTPA funding. This total included $38.4 million for training the economically disadvantaged, $22.4 million for summer youth programs, $3.4 million for retraining programs for dislocated workers (or $2.2 million in formula-allocated Title III funds and $1.2 million in discretionary funds awarded by the Labor Secretary), $801,000 for the JTPA migrant worker program and $10.9 million, for employment services. During the transition period, Indiana's matching contribution for dislocated worker programs was $1.3 million.

More than 39,000 people participated in JTPA during the first nine months of the program in Indiana. In that period, over 18,000 Hoosiers received classroom training, another 6,000 were given on-the-job training and fully 9,000 workers around the State successfully completed training and were placed in jobs.

For the 1984 JTPA program year that ran from July 1984 through June 1985, Indiana received $94.3 million in federal JTPA funds, including $46.8 million for training of the economically disadvantaged, $8.6 million for retraining of dislocated workers (or $4.8 million in Title III formula funds and $3.8 million in discretionary awards from the Labor Secretary), $1 million for seasonal farmworkers, $22.4 million for summer youth job programs and $15.4 million for employment services. Indiana contributed $2.5 million for displaced worker programs during the 1984 program year.

During the 1985 JTPA program year, which begins July 1 and ends next June 30, Indiana is scheduled to receive over $89 million in federal JTPA funds. This total includes $46 million for Title II-A training programs for the economically disadvantaged, $21.7 million for Title II-B summer youth programs, $4.7 million as the State's share of formula-allocated Title III funds for dislocated worker programs, $1 million for the migrant farmworker program and $15.5 million for employment services. The State's matching contribution for the formula-allocated Title III funds will be $2.8 million. In addition, Indiana's share of federal JTPA funds for dislocated worker programs may be supplemented by discretionary awards to be made by the Secretary of Labor during the 1985 program year.

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Ronald Harms, Owner, Otto's Gas Company, Brazil.

Henry Hart, Attorney, Law offices, Knox.

Lisa Hartman, Administrative Secretary, English Department, Purdue University, West Lafayette.

The Honorable Bob Haskett, Mayor, Peru.

Lois Haynes, Program Coordinator, UAW-Madison Center, Dislocated Worker Project, South Bend.

Dave Heilman, Site Manager, Tau Laboratories, Kokomo.

Bill Henry, Executive Director, Kokomo Opportunities Industrialization Center, Kokomo.

Charles Hewitt, Program Participant, Greentown.

Steve Hinkle, Executive Director, Association for Retarded Citizens of Allen County, Inc., Fort Wayne.

Sharon Hiser, Caseworker, Randolph County Department of Walfare, Winchester.

Philip Hoff, President, Employment and Developmental Systems, Inc., Frankfort.

Betsy Horowitz, Director, PIC Re-Employment Center, Evansville.

C. Thomas Houghtby, Personnel Director, Peerless Gear and Machine Division, Salem.

Darrell L. Houk, Program Participant, Muncie.

David E. Huddleston, Central District Director, Indiana Employment Security Division, Indianapolis.

The Honorable William H. Hudnut, III, Mayor, Indianapolis.

Connie Humbarger, President, Best Distributing, Inc., Lafayette.

The Honorable Charles G. Hunter, Mayor, New Albany.

Gloria Jablonski, Program Participant, South Bend.

Clayton Jackson, Director, Marion Urban League, Marion.

Kathy Jackson, Employment Program Director, Area XI, Agency on Aging, Columbus.

Jay (Ernie) Jax, Area Leader, Indiana Green Thumb, West Lafayette.

Dave Jeffers, Program Participant, Seymour.

Patricia Jewell, Executive Director, Council for the Aging and Aged, Inc., New Albany.

Alan D. Johnson, Manager, Indiana Employment Security Division, Muncie.

Gary Johnson, Program Participant, Evansville.

R. D. Jones, Plant Manager, Franklin Electric, Jonesburo.

Reuben Jones, Benefit Representative, UAW-Local 977, Marion.

Ed Judd, Vice President of Manufacturing, Regal Rugs, Inc., North Vernon.

Kim Kaiser, Program Participant, Columbus.

Swadesh S. Kalsi, Corporate Counsel, Cummins Engine Company, Columbus.

Dave Keener, Owner Industrial Machine, Hayden.

Mariella Kelly, Personnel Administrator, Kingston Products, Kokomo.

David Kiely, Executive Directors, Developmental Services, Inc., Columbus.

Richard C. Kilborn, President, Blue Shield of Indiana, Indianapolis.

Larry Kleeman, Executive Director, Lincoln Hills Development Center, Tell City.

Wally Laird, Farm Services Director, WLQI-WRN Radio, Rensselaer.

Gerald I. Lamkin, President, Indiana Vocational Technical College, Indianapolis.

Fred Lanaham, Manager, Indiana Employment Security Division, Terre Haute.

Burt Langer, Owner, Fetla's Bargain Center, Valparaiso.

Saranettia Lang-Lampkin, President and Chief Executive Officer, Lake County Job Training Partnership Corporation, Gary.

Gary Leavell, Assistant Local Office Manager, Indiana Employment Security Division, New Albany.

Mindy M. Lewis, Public Affairs Manager, Cummins Engine Company, Inc., Columbus.

Dr. John Lightle, Assistant Business Manager, Marion Community School Corporation, Marion.

Patricia Lynn, Vice-President, GrayCon Tools, Inc., Wabash.

Kathy Lyons, Lead Counselor, Indiana Vocational Rehabilitation Division, Lafayette.

John McClean, Director, Howard County Public Welfare, Kokomo.

George McCullough, Labor Representative, United Way of Terre Haute, Terre Haute.

Gerald E. McCullum, Superintendent, Scott County School District #2, Scottsburg.

The Honorable Alice T. McIntosh, Councilwoman, Muncie.

Rebecca L. McKinney, General Manager, McKinney's Flowers, Inc., Lafayette.

Michael L. Madalon, Director, Lake County Department of Public Welfare, Gary.

The Honorable Sonya Margerum, Mayor, West Lafayette.

Michael J. Martin, Associate, Scott Financial Organization, Warsaw.

Joseph C. Matthews, II, Executive Director, Indiana Opportunities Industrialization Centers of America, Inc., Indianapolis.

Tim Mayer, General Manager, Channel-Kor-Systems, Inc., Bloomington.

David Middleton, Director/Principal, Anderson Area Vocational-Technical School, Anderson.

Thomas G. Millea, Employment and Training Director, Hoosier Falls Private Industry Council, Jeffersonville.

Carla Miller, Program Participant, Hartford City.

Harriet Miller, Executive Director, Fort Wayne Women's Bureau, Fort Wayne.

Jan Miller, Outreach Worker, Center for Mental Health, Anderson.

Dr. Lynne Miller, Assistant Superintendent for Curriculum, South Bend Community School Corporation, South Bend.

Thomas P. Miller, Director, Indiana Employment Security Division, Indianapolis.

Marsha Million, Program Participant, Flora.

Arthur L. Minnefield, Quality Assurance Manager, Magnetic Products, Anderson.

Carlotta J. Mitchell, Director of Aging Services, Hoosier Uplands Corporation, Area XV, Agency on Aging, Mitchell.

Frank Morrison, Director, Upper Wabash Area Vocational School, Wabash.

The Honorable Gene Moore, Mayor, Marion.

Sharon Moore, Program Participant, Indianapolis.

Shirley L. Moore, Program Participant, Munice.

The Honorable Carolyn Brown Mosby, State Senator, Gary.

Emmett Mosley, Organizer, United Citizens Organization of East Chicago, Inc., East Chicago.

The Honorable John M. Mutz, Lieutenant Governor, Indianapolis.

Steve M. Name, Program Participant, West Lafayette.

David Nelson, Vocational Rehabilitation Counselor, Indiana Vocational Rehabilitation Services, Muncie.

The Honorable Frank E. Newkirk, Sr., Mayor, Salem.

Michael Nose; Supervisor, SONOCO, Marion.

Marsha M. Oliver, President, Indianapolis Alliance for Jobs, Inc., Indianapolis.

The Honorable Dale L. Orem, Mayor, Jeffersonville.

The Honorable Robert D. Orr, Governor, Indianapolis.

The Honorable Bruce Osborn, Tippecanoe County Commissioner, Lafayette.

Greg Pacheco, Program Participant, Columbus.

Nila Parise, Program Participant, Kokomo.

Peggy Litty Pate, Program Participant, Evansville.

Randy Pease, Personnel Manager, AM General, Mishawaka.

Thomas A. Pfister, Personnel Manager, Wheel-Tek, Fremont.

Lewis A. Plane, Manager, Executive Employment, Mead, Johnson and Company, Evansville.

The Honorable Floyd Podell, Pulaski County Commissioner, Winamac.

John C. Porter, Union Liaison Officer, Joint Job-Search Center: Local 1010, AFL-CIO, and Inland Steel Company, Hammond.

Bill Preston, Program Participant, Upland.

Gale Prewitt, Lead Counselor, Indiana Rehabilitation Services, Vocational Rehabilitation Division, Seymour.

John Pruett, Director of Regional Services/Employee Relations, Indiana Vocational Technical College—Region V, Kokomo.

Joann Reed, Program Participant, Evansville.

Dr. Robert Read, President, Portland Teledyne Forge, Portland.

Melvin Reed, P.C., Attorney, President, Board of Directors, South Bend Community OIC, Inc., South Bend.

Kenneth Reherman, Program Participant, Evansville.

Robert Renner, Chairman of the Board, Citizens State Bank, Hartford City.

Carmen Rettzo, Labor Union 4889 U.S.W.A., Fairless Hills, Pennsylvania.

Clark L. Rhodehamel, Owner/Manager, Como Service, Portland.

Rhonda Rhodes, Program Participant, Indianapolis.

The Honorable James Riehle, Mayor, Lafayette.

John Rivera, Executive Director, United Mexican-Americans, Inc., Benito Juarez Cultural Center, Fort Wayne.

G. Edwin Robinson, Rehabilitation Director, Goodwill Industries of Michiana, Inc., South Bend.

Mark Rodrigues, Manager, Industrial Development Division, South Bend-Mishawaka Area Chamber of Commerce, South Bend.

The Honorable William D. Rose, Mayor, Vincennes.

Stephenie Ross, Area Director, Indiana Rehabilitation Services, Fort Wayne.

Beverly A. Rousey-Smith, Program Participant, Pekin.

Dr. Joseph Russel, Dean, Office of Afro American Affairs, Indiana University, Bloomington.

Margo Sanida, Executive Director, Indiana Center for Adult Education, Portage.

Marc C. Scharnowske, Executive Director, Madison County Employment and Training Administration, Anderson.

Donald E. Scheiber, Liaison Representative, AFL-CIO Community Services, United Way of Lafayette, Lafayette.

Alice Schnur, Project Coordinator, WING Program, Indianapolis.

Jack W. Schrey, Former Chairman of the Board, Magnavox Government & Industrial Electronics Company, Fort Wayne.

Lincoln Schrock, Coordinator, Indiana Northeast Development, Fort Wayne.

Diann Shappell, Executive Director, Northeast Area III, Council on Aging, Inc., Fort Wayne.

Steve Shuel, Ownes Schuel Advertising, Indianapolis.

Judith A. Smith, Program and Activities Manager, Delaware/Blackford Job Training Partnership Agency, Muncie.

Irving Smith, President, Muncie NAACP, Muncie.

Jim Snavely, President, Snavely Machine and Manufacturing Company, Wabash.

Richard Snyder, Director, Veterans Employment Council, Terre Haute.

The Honorable N. Atterson Spann, Lake County Board of Commissioners, Crown Point.

Kline (Bill) Sprague, Labor Relations Supervisor, Chrysler Corporation, Kokomo.

Rebecca Stanley, Manager, Indiana Employment Security Division, Columbus.

Byron Steele, Quality Assurance Supervisor, Hoover Universal, Washington.

Jerry L. Stephenson, Executive Director, hoosier Valley Economic Opportunity Corporation, Jeffersonville.

Glenn D. Stevens, Executive Director, Elkhart Youth Services Bureau, Elkhart.

Barbara J. Street, Executive Director, Administrative Entity, Community and Family Services, Inc., Job Training Program, Portland.

Clarence S. Stuart, President, Sentry Manufacturing, Fort Wayne.

Dr. Phillip M. Summers, President, Vincennes University Junior College, Vincennes.

Meredith Thompson, Director, Vocational Education, Bartholomew Consolidated Schools, Columbus.

Carol Tomlinson, Advocacy Program Director, Area VI, Agency on Aging, Muncie.

Leo R. Toupin, Vice President of Industrial Relations, Jeffboat, Inc., Jeffersonville.

Connie Trout, Program Coordinator, Interlocal Association, Occupational Development Center, New Castle.

Gary F. Tyler, Executive Vice President, Clark County Chamber of Commerce, Jeffersonville.

Karen Tyler, Grant Administrator, South Central Private Industry Council, Indianapolis.

Max Updike, Director of Federal Programs, Fort Wayne Community Schools, Fort Wayne.

Roy Vanderford, Executive Director, Southwest Indiana Private Industry Council, Evansville.

The Honorable Michael D. Vandeveer, Mayor, Evansville.

Patty VanSickel, Administrator, Greenwood Convalescent Center, Greenwood.

Mary Alice Veal, Job Readiness Instructor, Area X, Agency on Aging, Bloomington.

Annette Vincent, Program Participant, Evansville.

Paul Wagner, President, Bona Vista Rehabilitation Center, Kokomo.

John W. Walls, President, Indiana State Chamber of Commerce, Indianapolis.

George Wappes, Manager, Lyall Electric, Inc., Kendallville.

Skip Ward, Branch Manager, Whiteford Kenworth, Kokomo.

D.W. Weaver, Manager, General Electric, Fort Wayne.

Theo Webb, Senior Vice President, Home Federal Savings Bank, Seymour.

Paul Wildridge, Office Manager, Indiana Employment Security Division, Lafayette.

Jeff Wilk, Director, Monroe County Youth Shelter, Bloomington.

Samuel L. Woehler, Employment Manager, George Koch Sons, Evansville.

Edward A. Wolking, President, Chamber of Commerce, Columbus.

Linda Woloshansky, Executive Director, Kankakee Valley Job Training Program, Inc., LaPorte.

## SUMMARY OF INDIANA JTPA FUNDING

[Dollars in millions]

| | Fiscal year 1983 [1] | Transition period | Program year 1984 | Program year 1985 [2] |
|---|---|---|---|---|
| Economically disadvantaged | | 38.398 | 46.838 | 46.030 |
| Summer youth | | 22.451 | 22.404 | [2] 21.774 |
| (Supplemental) | | (5.000) | (4.953) | [2] (4.683) |
| Dislocated worker: | | | | |
| Formula | [3] 2.632 | [3] 2.200 | [3] 4.811 | [3] 4.772 |
| Discretion | 2.000 | 1.216 | [4] 3.806 | 1.200 |
| | 4.632 | 3.416 | 8.617 | 5.972 |
| Migrant and seasonal farmworker | | .801 | 1.075 | 1.075 |
| Total training | 4.632 | 65.066 | 78.934 | 74.851 |
| Employment Security | | 10.933 | 15.360 | 15.580 |
| Total JTPA | 4.632 | 75.999 | 94.294 | [2] 90.431 |

[1] Only title III, Dislocated Worker Program, was funded in fiscal year 1983.
[2] Estimate.
[3] Indiana's required match for title III, formula funds: Fiscal year 1983 $.259, transition period $1.320, prior year 1984 $2.500, prior year 1985 $2.863.
[4] DOL established a two-for-one match requirement on $700,000 discretionary grant to serve dislocated steel workers. Match is $350,000.

## JOB TRAINING PARTNERSHIP ACT ALLOCATIONS FOR PROGRAM YEAR 1985, INDIANA JTPA SERVICE DELIVERY AREAS COMPARISON WITH PROGRAM YEAR 1984

| Service Delivery Area (SDA) | Program year 1984 II–A total | Program year 1985 II–A total | Program year 1985 as percent of Program year 1984 | Program year 1985 II–A youth | Program year 1985 II–A adult | Program year 1985 older workers |
|---|---|---|---|---|---|---|
| Lake County job training | 4,855,727 | 4,966,036 | 102.27 | 2,085,681 | 2,764,739 | 115,616 |
| Kankakee Valley Job Training | 2,094,999 | 2,266,711 | 108.20 | 862,268 | 1,348,675 | 55,768 |
| St. Joseph County Job Training | 1,411,463 | 1,362,972 | 96.56 | 458,950 | 852,335 | 51,687 |
| Northern Indiana Job Alliance | 1,443,474 | 893,946 | 61.93 | 309,623 | 527,195 | 57,128 |
| Northeast Indiana | 3,377,439 | 3,088,749 | 91.45 | 1,197,958 | 1,796,938 | 93,853 |
| Tecumseh Area Partnership | 1,632,857 | 1,506,489 | 92.26 | 654,048 | 799,393 | 53,048 |
| North Central Indiana | 1,823,461 | 1,365,532 | 74.89 | 472,494 | 839,990 | 53,048 |
| Madison-Grant | 1,557,161 | 1,387,583 | 89.11 | 548,833 | 789,783 | 48,967 |
| East Central Indiana | 1,975,148 | 1,836,273 | 92.97 | 795,718 | 972,545 | 68,010 |
| Western Indiana | 1,386,536 | 1,510,170 | 108.92 | 518,688 | 922,112 | 69,370 |
| Circle Seven | 1,589,339 | 1,599,733 | 100.65 | 533,247 | 990,315 | 76,171 |
| Marion County | 5,254,359 | 5,548,371 | 105.61 | 2,302,006 | 3,051,497 | 195,868 |
| Southeastern Indiana | 2,213,521 | 2,334,835 | 105.48 | 718,420 | 1,526,642 | 89,773 |
| Shawnee Trace | 1,822,175 | 1,920,874 | 105.42 | 545,250 | 1,272,249 | 103,375 |
| South Central Indiana | 1,729,360 | 1,682,607 | 97.30 | 730,241 | 892,517 | 59,849 |

JOB TRAINING PARTNERSHIP ACT ALLOCATIONS FOR PROGRAM YEAR 1985, INDIANA JTPA SERVICE DELIVERY AREAS COMPARISON WITH PROGRAM YEAR 1984—Continued

| Service Delivery Area (SDA) | Program year 1984 II–A total | Program year 1985 II–A total | Program year 1985 as percent of Program year 1984 | Program year 1985 II–A youth | Program year 1985 II–A adult | Program year 1985 older workers |
|---|---|---|---|---|---|---|
| Southwest Indiana | 1,777,633 | 1,982,796 | 111.54 | 663,510 | 1,232,234 | 87,052 |
| Hoosier Falls | 1,967,030 | 2,009,134 | 102.14 | 655,357 | 1,272,165 | 81,612 |

TITLE II–A (78%—THIRD QUARTER, PROGRAM YEAR 1984 (JULY 1, 1984 to MARCH 31, 1985) TABLE I—ADULT PERFORMANCE STANDARDS

| | Adult performance standards | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Entered employment rate (percent) | | Welfare entered employment rate (percent) | | Cost per entered employment | | Average wage at placement | |
| | Actual | Predicted range | Actual | Predicted range | Actual | Predicted range | Actual | Predicted range |
| Lake | 62 | 44–51 | 45 | 30–35 | 12,014 | 8,861–11,463 | 6.04 | 4.82–5.16 |
| Kankakee | 70 | 53–62 | 58 | 36–42 | 3,649 | 5,651–7,310 | 5.13 | 4.63–4.97 |
| Michiana | 75 | 57–67 | 63 | 36–42 | 2,529 | 4,093–5,294 | 5.56 | 4.56–4.90 |
| Northern Ind. | 85 | 55–65 | 79 | 38–44 | 2,709 | 3,728–4,823 | 5.15 | 4.49–4.81 |
| Northeast | 88 | 55–65 | 74 | 38–44 | 2,356 | 5,243–6,782 | 4.80 | 4.50–4.82 |
| Tecumseh | 93 | 60–70 | 92 | 41–48 | 2,071 | 2,758–3,568 | 4.71 | 4.51–4.83 |
| North Central | 92 | 51–60 | 90 | 35–41 | 2,275 | 5,341–6,909 | 4.73 | 4.77–5.11 |
| Madison/Grant | 66 | 51–59 | 34 | 34–40 | 3,409 | 6,970–9,016 | 4.72 | 4.92–5.28 |
| East Central | 84 | 55–64 | 76 | 37–43 | 2,478 | 6,559–8,485 | 4.91 | 4.59–4.93 |
| Western | 73 | 56–66 | 69 | 38–45 | 2,676 | 4,556–5,894 | 5.41 | 4.58–4.92 |
| Circle Seven | 91 | 58–68 | 89 | 39–46 | 1,625 | 4,416–5,712 | 5.01 | 4.27–4.59 |
| Marion County | 68 | 53–62 | 60 | 43–51 | 3,762 | 4,424–5,723 | 4.47 | 4.73–5.07 |
| Southeastern | 98 | 53–62 | 94 | 36–42 | 1,186 | 4,622–5,978 | 4.81 | 4.57–4.91 |
| Shawnee | 83 | 54–64 | 77 | 37–43 | 1,768 | 4,277–5,532 | 4.65 | 4.52–4.84 |
| South Central | 87 | 55–64 | 74 | 37–43 | 2,022 | 5,484–7,093 | 4.90 | 4.62–4.96 |
| Southwest | 88 | 55–64 | 80 | 37–43 | 2,965 | 4,530–5,860 | 4.62 | 4.70–5.04 |
| Hoosier Falls | 73 | 47–55 | 58 | 32–37 | 2,432 | 8,511–11,010 | 4.38 | 4.19–4.49 |
| Statewide totals | 81 | 53–62 | 70 | 41–48 | 2,691 | 6,101–7,892 | 4.74 | 4.52–4.84 |

Note.—Actual performance for an SDA may be compared to the predicted range for that SDA but comparisons between SDA's are not valid.
Source: IOOD's Automated Management Information System.

TITLE II–A (78%)—THIRD QUARTER, PROGRAM YEAR 1984 (JULY 1, 1984 to MARCH 31, 1985) TABLE II—YOUTH PERFORMANCE STANDARDS

| | Youth performance standards | | | | | |
|---|---|---|---|---|---|---|
| | Entered employment rate (percent) | | Positive Termination rate (percent) | | Cost per positive termination | |
| | Actual | Predicted range | Actual | Predicted range | Actual | Predicted range |
| Lake | 49 | 28–41 | 75 | 68–74 | 11,245 | 3,624–5,236 |
| Kankakee | 54 | 37–54 | 64 | 65–71 | 4,672 | 3,935–5,686 |
| Michiana | 68 | 32–47 | 84 | 65–71 | 2,860 | 3,690–5,333 |
| Northern Ind. | 79 | 38–56 | 81 | 72–78 | 4,114 | 3,208–4,635 |
| Northeast | 76 | 39–57 | 85 | 68–74 | 2,474 | 3,914–5,655 |
| Tecumseh | 81 | 38–55 | 90 | 71–77 | 3,883 | 3,065–4,429 |
| North Central | 73 | 34–51 | 81 | 67–73 | 2,780 | 3,524–5,092 |
| Madison/Grant | 63 | 39–57 | 76 | 66–72 | 5,841 | 4,218–6,094 |
| East Central | 62 | 30–44 | 87 | 73–79 | 3,099 | 2,765–3,995 |
| Western | 69 | 37–54 | 76 | 69–75 | 4,680 | 3,697–5,343 |
| Circle Seven | 92 | 40–58 | 94 | 74–79 | 1,673 | 3,102–4,483 |
| Marion County | 64 | 33–48 | 65 | 64–70 | 3,302 | 3,615–5,223 |
| Southeastern | 84 | 32–48 | 86 | 70–76 | 2,856 | 3,427–4,952 |
| Shawnee | 79 | 38–56 | 83 | 68–73 | 1,840 | 3,749–5,418 |
| South Central | 65 | 29–42 | 79 | 72–78 | 2,708 | 2,973–4,296 |
| Southwest | 74 | 36–53 | 93 | 70–76 | 3,577 | 3,331–4,813 |
| Hoosier Falls | 33 | 22–32 | 52 | 77–84 | 4,673 | 3,176–4,589 |
| Statewide totals | 69 | 33–49 | 77 | 74–81 | 3,454 | 3,465–5,007 |

Note.—Actual performance for an SDA may be compared to the predicted range for that SDA but comparisons between SDA's are not valid.
Source: IOOD's Automated Management Information System.

## ENGLISH AS THE OFFICIAL LANGUAGE

● Mr. SIMON. Mr. President, the other evening when we were getting close to the evening adjournment and we had already been working late, my respected friend, Senator JAMES MCCLURE from Idaho, introduced an amendment declaring English the official language of the United States.

Senator PETE DOMENICI of New Mexico and I both indicated that we were not going to ask for a rollcall but wanted to indicate that we were opposed to it. The resolution carried by voice vote.

It is one of those little things that senselessly and needlessly irritates different sections of the United States.

The reality is that to get by in our country, you have to be able to speak English, and we ought to be doing everything we can to encourage people who do not speak English to speak it.

But we do that not by passing resolutions like this, but by having adult education programs that help to teach people English. I do not refer to Senator MCCLURE when I say that some of those who make eloquent speeches about the importance of English being the official language are the same people who refuse to vote funds to teach people the English language.

And the reality is that in Puerto Rico, our fellow American citizens, the official language is Spanish.

In New Mexico, both English and Spanish are official languages.

We solve the problems of division on the basis of language by having constructive programs that move on the problem, not by adopting meaningless resolutions by which we pretend that we're really doing something.●

## CONGRATULATING THE PEOPLE OF CYPRUS ON THE 25TH ANNIVERSARY OF THEIR INDEPENDENCE AND ESTABLISHING A CYPRUS COOPERATIVE DEVELOPMENT FUND

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate turn to Senate Resolution 68, congratulating Cyprus on its 25th anniversary of independence, reported out of the Foreign Relations Committee today.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 68) congratulating the people of Cyprus on the 25th anniversary of their independence, and supporting the establishment of a Cyprus Cooperative Development Fund to foster improved intercommunal relations on Cyprus.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution which had been reported from the Committee on Foreign Relations, with an amendment: On page 2, strike line 4 through and including line 8 on page 3, and insert:

(b) It is the sense of the Senate that the United States reaffirms its continuing commitment to a just resolution of the Cyprus dispute, and its support for the efforts of the Secretary-General to bring peace to that troubled nation.

Mr. LUGAR. Mr. President, I offer my congratulations to the people of the Republic of Cyprus who are celebrating the 25th anniversary of their country's independence. In its short history, the Republic of Cyprus has clearly demonstrated that it is a good friend of the United States. Its humanitarian assistance during the recent TWA hostage crisis as well as during the evacuation of U.S. marines wounded in the Beruit terrorist attack are only the most recent examples of this friendship.

As we all know, the short history of the Republic of Cyprus has been marred by conflict. While Cyprus today remains divided, both the Greek Cypriots and the Turkish Cypriots look with hope on the positive developments that have occurred in the intercommunal talks in 1985 as a sign that they may have true reason for celebration in the near future.

In January 1985, leaders of the Greek Cypriot and Turkish Cypriot communities met for their first face-to-face discussions in 6 years, U.N. Secretary General Perez de Cuellar was successful in arranging such "proximity talks" and the subsequent summit as part of the U.N. initiative on the Cyprus dispute. While the January summit ended inconclusively, the mere convocation of such a summit in New York was a significant step forward in the effort to reach a peaceful and lasting resolution of the conflict. More importantly, the talks established the principles that will be included in any peace document between the two sides.

Since the January summit, the Secretary General has made great efforts to consolidate the principles discussed during those meetings into a document for peace. President Reagan has voiced U.S. support for the efforts of the Secretary General and our conviction that this consolidated document offers the best opportunity for a lasting peace on Cyprus. On September 20, 1985, the U.N. Security Council heard an oral report from the Secretary General. He told the Council that his initiative had brought the positions of the two sides closer than ever before; and he expressed his conviction that what had been achieved thus far should lead to an early agreement on a framework for a just and lasting settlement of the Cyprus question.

The Secretary General's Cyprus initiative is at a delicate stage; but a framework agreement acceptable to both sides is clearly within reach. I believe we have never been closer to reaching a solution on Cyprus, and I commend the Secretary General's efforts to bring us this far toward that goal. Goodfaith efforts on the part of the Greek Cypriots and Turkish Cypriots can and will overcome any remaining obstacles to peace.

On this, the 25th anniversary of the independence of the Republic of Cyprus, I look with hope to the future and believe firmly that all the people of Cyprus will soon be able to enjoy the fruits of a truly independent nation.

Mr. SIMON. Mr. President, today marks the 25th anniversary of the establishment of the Republic of Cyprus. It is a day that we must acknowledge but cannot fully celebrate since we have not yet achieved a peaceful and just settlement in that land.

Cyprus history has been troubled, particularly since the expansion of Turkish occupation in 1974 and the subsequent undesirable political developments in the north. It is discouraging that the Turks have recently taken a series of measures including transforming Parliament to a constituent assembly, drafting a new constitution, and exchanging Ambassadors with Turkey, that seem aimed at consolidating their separateness instead of moving toward a solution along the lines outlined by the Secretary General of the United Nations. In contrast the consolidated documents have been accepted by the Republic of Cyprus's as a basis for negotiations.

Yet, though the momentum of the United Nations process has been temporarily slowed, that process is still underway and there is reason for hope. The people of Cyprus are industrious, intelligent, and remarkable. Though there is political tension, they have shown their willingness to eschew violence and work doggedly for peaceful change. They should be commended for their efforts.

Cyprus has also been a good friend to the United States. Recently it provided critical logistical support for the American peacekeeping forces in Lebanon and it aided the United States in the evacuation of the U.S. forces after the Beirut bombing.

It is time for the United States to reciprocate that friendship and play a more active role in helping to push for a solution in Cyprus. It is not enough to merely issue statements of support. It should be our policy to push for a settlement in Cyprus that provides for majority rule with full minority rights. The United States has not placed sufficient leverage on the Turks to come to an accommodation and make concessions. Certainly one of the best ways to bring peace and stability to the eastern Mediterranean is to get the Turkish troops off Cyprus. We should use our influence and our aid to see that those troops are removed. Then there will truly be cause for celebration.

Mr. PELL. Mr. President, 25 years ago today—on October 1, 1960—the beautiful island of Cyprus in the eastern Mediterranean gained independence from British colonial rule and entered the family of nations as a republic. The early years of Cypriot nationhood, marked by steady tension and occasional violence between the island's Greek and Turkish Cypriot communities, tested the young republic's viability. But for nearly 14 years—until August of 1974—the center held.

To all Cypriots, the events of that tragic summer some 11 years ago remain a vivid memory. A misbegotten coup fomented by the Greek junta in Athens brought an invasion of Turkish forces to avert the plotters' aim, which was enosis—union—between Cyprus and Greece. The immediate result was the restoration of democracy in Athens and of President Makarios in Nicosia. But having played a role which history might have forgiven, Turkish forces quickly shifted to a role that history will severely condemn: The occupation and consolidation of control over a full 40 percent of the Cypriot nation. As this violation of Cypriot sovereignty moved into full gear, tens of thousands of Cypriots became refugees in their own land.

During the 11 ensuing years of occupation and division of their homeland, the citizens of Cyprus have focused their hopes of redress on the United States, Turkey's principal source of military and economic aid, and on the United Nations, which has sought to play a constructive mediating role be-

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tween the two Cypriot communities. Although these hopes have thus far gone unfulfilled, events earlier this year gave promise of progress when U.N. Secretary General Perez de Cuellar brought the leaders of the two Cypriot communities together for a summit. Unfortunately, the Turkish Cypriot leader, Mr. Denktash, quickly dashed any expectation of immediate progress by rejecting the draft settlement agreement which had been crafted by the Secretary General on the basis of previous negotiations.

Although the January summit ended inconclusively, the talks did establish principles that would be included in any future peace agreement. Moreover, the Greek Cypriot leader, President Kyprianou, continued to play an integral and constructive role in Mr. Perez de Cuellar's effort to draft a revised version of the documentation which formed the basis for the January talks. In the process, President Kyprianou made a number of further concessions in hope of eliciting a positive response from Mr. Denktash. As a consequence, the Secretary General succeeded in devising a new draft agreement aimed at bringing greater clarity to points on which Mr. Denktash had balked. In June, Mr. Perez de Cuellar reported to the Security Council that the Greek Cypriot side had replied affirmatively to his revised documentation and that he was awaiting the Turkish Cypriot response to his efforts. Using the language of diplomacy, while pointing implicitly to the Turkish Cypriots, the Secretary General added that:

> Provided both sides manifest the necessary goodwill and cooperation, and agreement can be reached without further delay.

Unfortunately, in August Mr. Denktash rejected the Secretary General's document, indicating that he would not accept the withdrawal of more than 30,000 Turkish troops from Cyrus, although such withdrawal is clearly a threshold requirement for any Cyprus settlement. Mr. Denktash also declared that the results of a May referendum and a June election in his Turkish Cypriot "state" now precluded his acceptance of the principle of a federal Cypriot state. Simultaneously, Mr. Denktash proceeded to implement a new policy of distributing to Turkish Cypriots thousands of acres of land by Greek Cypriots.

Mr. President, these statements and actions leave little doubt of Mr. Denktash's current agenda. By defending the continued presence of Turkish forces, by redistributing Greek Cypriot land in the Turkish-occupied sector, and by refusing to accept the very principle of a federated Cypriot state, the Turkish Cypriot leader is manifesting a plain intention to perpetuate indiefinitely the partition of Cyprus. To this, our response must be equally clear: That such intransigence will not be tolerated.

With the obvious exception of Turkey, all nations of the world refuse to recognize the legitimacy of the Turkish Cypriot "state," which exists only with the support of Turkish troops. It is thus upon both Mr. Denktash and his mentors in Ankara that pressure must now be brought for a reversal of the Turkish position. At this crucial juncture and on this solemn anniversary, let us reaffirm that no effort will be spared—and no opportunity lost—to achieve a restoration of Cypriot unity, a restoration of Cypriot independence, and a restoration of justice to the Cypriot republic.

Mr. TRIBLE. Mr. President, I am pleased that the Senate has turned to consideration of Senate Resolution 68, a resolution of mine marking an anniversary that is a source of both celebration and concern.

Twenty-five years ago today, the Republic of Cyprus won its independence. After a long and arduous process, the Cypriot people won the right of self-determination.

That alone makes today an important occasion. The victory of freedom is a source of celebration for all democratic nations. My resolution recognizes this fact, and congratulates the people of Cyprus on the 25th anniversary of their independence.

For the people of Cyprus, however, the determination to build a nation has been severely tested. The Cypriots have been beset by violence. Their land has been divided. In fact, the Turkish Cypriots have attempted to declare one-half of the island a separate nation. This is unacceptable, and for that reason, Senate Resolution 68 reaffirms America's commitment to bring peace to Cyprus.

Earlier this year, it appeared the prospects for peace seemed brighter. Under the auspices of the United Nations Secretary General, talks were held between Greek-Cypriot and Turkish-Cypriot leaders aimed at establishing a framework for further negotiations toward a peaceful settlement of the Cyprus dispute.

The President of Cyprus has accepted the revised draft agreement which outlines the framework for further talks. The Turkish Cypriots have not. Indeed, they have postponed responding to that draft agreement while proceeding with presidential and parliamentary elections.

This, too, is unacceptable.

These steps on the part of the Turkish Cypriots move us further from a settlement of the Cuprus dispute. They cannot help but make the efforts of the U.N. Secretary General more difficult.

The United States has supported those efforts. I believe we must continue to support them, and Senate Resolution 68 reaffirms our commitment to doing so. I urge its adoption by the Senate.

Mr. HEINZ. Mr. President, today marks the 25th anniversary of the independence of Cyprus. I would like to take this opportunity to congratulate the people of Cyprus on this momentous occassion and reaffirm America's commitment to helping rebuild a free and unified Cyprus.

Clearly, these first 25 years have not been easy ones for the people of Cyprus. In addition to the long and arduous process which led to their independence, the Cypriots have faced continuous strife and hardship throughout these last 25 years.

As Americans, we admire those who perservere in the face of such challenges. We respect those who remain steadfast in their commitment to democracy and freedom. Throughout their first quarter-century of independence, the people of Cyprus have displayed these qualities in abundance. They have not wavered in their search for freedom, and I believe the United States should commend their courage and heroism.

In addition, we must continue to press forward in helping the two communities on Cyprus bring about a just and lasting peace to that troubled island. I congratulate the people of Cyprus on the 25th anniversary of their independence and pray for many future years of peace and prosperity.

Mr. BIDEN. Mr. President, 25 years ago today, after many years of struggling for their independence, the Cypriot people succeeded in establishing the free and independent Republic of Cyprus.

Generations of struggle had left many important issues still unresolved among the Greek and Turkish Cypriots who share the heritage of that beautiful Mediterranean island, but the new nation nevertheless set forth to establish a homeland that would accommodate the interests of all of its inhabitants.

Unfortunately, the Cypriots were not to be left free to devise their own accommodations, on two occasions Turkey threatened to intervene in the affairs of the Republic of Cyprus, and in 1974 finally carried out that threat with a massive military invasion of 40,000 Turkish troops, some 10,000 Cypriots, both Greek and Turkish, died in that invasion, 2,000 Greek Cypriots disappeared but are believed to be still alive today, and the fledgling nation was divided, with 40 percent of the land remaining in the hands of the 20,000 Turkish troops who are still on the island today, 11 long years after that brutally enforced partition. The Turkish invaders have imposed 50,000 settlers from the Turkish mainland upon the lands of 200,000 Greek Cypriots, although more than 80 percent

of the island's people are of Greek ancestry.

So, Mr. President, the Republic of Cyprus remains independent after 25 years among the family of nations, but it can hardly be said to have remained entirely free. A foreign army of occupation still holds nearly half its land behind a wall of bayonets, and a great many of its people remain dispossessed of their ancestral homes. For the great majority of Cypriots, today will be, at best, a melancholy celebration.

Yet we in the United States can still convey our sincere congratulations and our best wishes for 25 years of Cypriot independence, in admiring recognition of the success of the Republic of Cyprus in maintaining its independence under the most difficult imaginable circumstances. It is an achievement that speaks tellingly of the spirit and the endurance of the Cypriot people, and one that still holds the promise for a successful and equitable resolution. That they have clung so tenaciously to their freedom while experiencing such repression for almost half their history as an independent nation strongly suggests, I believe, that in the end they will prevail and regain the total independence that is their undoubted right.

But, Mr. President, it is important, not only for the people of Cyprus themselves but for the United States of America and for the NATO alliance, that the Cypriots be reminded and reassured that they do not stand alone. A free Cypriot democracy deserves the generous support of every free nation, just as an imperious and arrogant Turkey should be reminded at every turn that the removal of the Turkish army of occupation and the restoration of complete Cypriot independence is the necessary price of full Turkish acceptance among the nations of the free world. Along with other Members of the U.S. Senate, that has been my object for the past 11 years, and it should remain the object of this Senate and of the United States until the last Turkish soldier has left the island and the Republic of Cyprus at peace. The moral interests of freedom and democracy, the national interests of the United States and the mutual interests of the NATO nations and inextricably tied to the interests of a free Cypriot people and a fully independent Cyprus.

It is with that message, Mr. President, that we can best celebrate the 25th anniversary of the Republic of Cyprus and send our heartfelt greetings to its much-beleagured but still freedom-loving people.

Mr. GLENN. Mr. President, I rise today to join my colleagues in commemorating the 25th anniversary of the establishment of the Republic of Cyprus. We are all well aware that these 25 years have not been easy ones for the people of Cyprus. I remain extremely concerned by the continued occupation of 40 percent of Cyprus by Turkish troops and by the efforts of the Turkish sector to disassociate itself from the Republic. Of course this action has not been recognized as legitimate by any of the world's nations, except Turkey.

Recently I joined with several of my colleagues in writing to Secretary of State Shultz to reaffirm our support for existing U.N. resolutions upholding the territorial integrity of the Republic of Cyprus and calling for the withdrawal of foreign troops. The letter further urged the administration to redouble U.S. efforts to achieve a peaceful and just resolution of the problems of Cyprus.

I strongly support the efforts of the U.N. Secretary General to bring about a resolution of the Cyprus dispute and trust that the U.S. Government will do everything we can to be cooperative in this regard. Let us hope that the next anniversary observation will be an occasion for a celebration of peace and unity by the Cypriot people.

Mr. ZORINSKY. Mr. President, today I want to draw the attention of my colleagues to the 25th anniversary of the founding of the independent Republic of Cyprus. October 1 marks the Cypriot Independence Day, and I offer this statement in honor of this significant date in Cypriot history, and with sincere hope that the continued efforts of Greek and Turkish Cypriot leaders in negotiating a reunification of Cyprus will be successful.

Twenty-five years ago, Cyprus gained its independence after a long anticolonial struggle. The people of Cyprus established their own state, their own independent republic in which all Cypriots both of Greek and Turkish descent would be free and secure in their homeland. Greek and Turkish Cypriots have always maintained primarily separate cultures and communities, but in 1974, the cultural differences became geographical ones as well when the island-nation was divided along communal lines.

Efforts have been made since the founding of the Republic of Cyprus to develop long-term institutional arrangements that would be accepted by both the Turkish and Greek communities in Cyprus. Little progress occurred before 1974, and following the separation, there has been even less. Possibilities for a reconciliation between Greek and Turkish Cypriots have seemed even more remote since 1983, when the Turkish Cypriot community declared itself the independent "Turkish Republic of Northern Cyprus," a move which the United States has wisely refused to recognize. And repeated efforts under the sponsorship of the United Nations to bring about peace have not met, thus far, with success.

Mr. President, I would like to take this opportunity on the anniversary of the founding of a unified, independent Cyprus to congratulate all Cypriots of both Turkish and Greek origin on an important date in their history, and to urge them on this occasion to focus their efforts on reconciliation and reunification. I also urge the administration to take steps to support the U.N. Secretary-General in his efforts to bring peace to the troubled nation of Cyprus. May all those of good will, everywhere, join today in commemorating the independence of Cyprus and in expressing hope for its unity and prosperity.

Mr. D'AMATO. Mr. President, on October 1, 1960, the island of Cyprus, formerly part of the British Empire, was declared a sovereign independent nation. Today, the people of Cyprus are celebrating the 25th anniversary of that independence. While this should be a joyous occasion, it serves as a painful reminder to both the Greek Cypriots and the Turkish Cypriots that the continued occupation and division of Cyprus precludes the country from enjoying the fruits of this independence. Unfortunately, without a resolution of this ongoing crisis, the people of Cyprus have little independence to celebrate.

During our consideration of this year's foreign assistance bill, we noted Turkey's special responsibility to encourage the peaceful resolution of this conflict. Turkey responded in good faith to our strong message of last year and persuaded Mr. Denktash to meet in summit talks with President Kyprianou for the first time in 6 years. While those talks ended inconclusively, they created a foundation for any peaceful resolution of this conflict. We were all hopeful that this summit process would resume without delay and peace would finally come to this troubled nation.

Unfortunately, this has not occurred. Instead of returning to the summit process, Mr. Denktash has held Presidential and parliamentary elections, as well as a constitutional referendum and has continued to turn over Greek Cypriot-owned land to Turkish Cypriots. We in Congress have expressed our conviction that these actions are counterproductive and prevent the positive summit developments from reaching fruition. However, it is not clear whether this message has been clearly heard by Ankara.

In March 1985, President Kyprianou accepted the draft consolidated agreement for peace that was drafted by U.N. Secretary General Javier Perez de Cuellar from the principles agreed to during the January summit. This consolidated document offers the first real hope for peace on Cyprus and the Secretary General's efforts should be

strongly endorsed by the United States. History demonstrates that, without our encouragement, we will not receive a positive response from Mr. Denktash on this peace vehicle. On this the 25th anniversary of the independence of Cyprus, I urge a reaffirmation of United States support for the Secretary General's efforts and for the current draft of the consolidated document.

Thank you, Mr. President.

Mr. PRESSLER. Mr. President, I am proud to congratulate the citizens of Cyprus, and all those of Cypriot ancestry, on the 25th anniversary of their independence. However, the occasion is also a bittersweet one, because for 11 years Cyprus has been a forcibly divided nation. Families have been divided, Government services have been divided, and the very fabric of Cypriot life has been divided.

That is why it is crucial to remember on this 25th anniversary of the independence of Cyprus that Cyprus' very independence is at stake yet again. The division of Cyprus not only pits as enemies two regional neighbors, but has harmed its citizens, undermined the southern flank of NATO, and led to unnecessary animosities as far afield as the American Congress during debates on military aid ratios for Greece and Turkey.

The resolution before us today is an important benchmark in the continuing struggle to reunite Cyprus. It reaffirms the necessity for direct talks between the Greek-Cypriot and Turkish-Cypriot leaders to establish the groundwork for the eventual reunification of Cyprus. It calls upon the United States to reinforce the efforts of the U.N. Secretary General in these important negotiations, and it sets up a specific strategy for improving relations between these divided people.

In a nation where nearly half the population is under the age of 20, 11 years of fear, warfare, and division is more than half a lifetime to remember. If Cyprus is to be peacefully reunited, both its children and its adults must know their neighbors in friendship and cooperation. A Cooperative Development Fund for Cyprus can help to establish just that sort of mutual and peaceful heritage.

Mr. DODD. Mr. President, I would like to join with my colleagues in congratulating the people of Cyprus on the 25th anniversary of their independence. I join with them in reasserting our strong support for the Republic of Cyprus, and for the efforts of the United Nations Secretary General to bring about a resolution of the Cyprus dispute in accordance with existing U.N. resolutions.

Far too often the Cyprus conflict is dismissed even by well-meaning people as the deep-rooted products of an age-old conflict. But in fact the most pressing problem in Cyprus is not some ancient, irreconcilable dispute, the Turkish occupation of 40 percent of Cyprus is 11 years old. That is the first problem on the Cypriot table. The territorial integrity of Cyprus must be resorted in order for the political community of all Cypriots to be built. And time is short.

Turkey has begun to systematically incorporate occupied Cyprus into Turkey itself. Not only were the Greek Cypriots in this part of the island physically expelled from their homes, but every cultural, social, and religious trace of their history is slowly being eradicated.

In November 1983, a unilateral declaration was made proclaiming the Turkish-occupied area an independent state. Congress immediately went on record opposing this attempt to institutionalize the partition and occupation of Cyprus. But that effort by the Turkish Cypriots, with at least the tacit support of the Turkish Government, was a logical response to a decade of the West's complacency about the Turkish invasion, occupation and partition of Cyprus. That silence and its consequences set a dangerous precedent for American policy.

So as we celebrate today the 25th anniversary of Cypriot independence, let us rededicate ourselves to helping restore the integrity of Cyprus. Let us congratulate the people of Cyprus for their achievements over the past quarter century, and let us encourage all sides toward another achievement: The peaceful and successful resolution of this intolerable partition of a beautiful island.

Mr. ROTH. Mr. President, I would like to take this opportunity to draw to the attention of my colleagues the fact that today marks the 25th national day of the Republic of Cyprus.

Such occasions usually call for celebrations, both official and unofficial. However, there will be few toasts drunk in Cyprus tonight, since 40 percent of that republic's territory remains occupied, as it has been for almost 11 years, by a foreign presence.

For as long as that foreign presence has been on Cypriot territory, this body has striven to reestablish the integrity of the Republic of Cyprus. Our task has been rendered doubly difficult by the fact that, in so doing, we are obliged to deal with two members of the North Atlantic Treaty Organization, one of those two members, Turkey, being the foreign power which still encroaches on Cypriot territory.

This situation is doubly ironic, given the fact that this Nation continues to provide a generous program of military assistance to the Republic of Cyprus. In effect, this means that we subsidize the Republic of Turkey in its continued efforts to undermine our policy on Cyprus.

In the past, I have not hesitated to advocate the withholding of such assistance from Turkey pending Turkish cooperation in the reestablishment of the integrity of the Republic of Cyprus free from foreign intervention.

The task which faces us on Cyprus today remains as formidable as ever it was, but I remain convinced that, if we make a conscious decision to throw our diplomatic efforts into the task, we can yet achieve our often-stated goal, namely, the reestablishment of a Republic of Cyprus. We cannot allow ourselves to be held back by supposed complicating factors. Our commitment to the withdrawal of Turkish forces from Cyprus has been stated openly and frequently. It is only fitting that we mark this 25th national day of the Republic of Cyprus with a renewed commitment to translate our words into actions.

Mr. SARBANES. Mr. President, today marks the 25th anniversary of the establishment of the Republic of Cyprus. Buffeted for centuries by the crosscurrents of great power rivalries, Cyprus achieved international recognition of her national integrity in 1960, becoming a full-fledged member of the community of nations.

The early years in the history of a new republic are inevitably years of trial and challenge; Cyprus has had its own reversals, and in particular was dealt a terrible blow in 1974 when, after just 14 years of independence, the Turkish invasion left hundreds dead and missing and hundreds of thousands displaced, homeless in their own land. The Turkish occupation continues today. For nearly half of its 25 years Cyprus has been a nation divided by military force, the energy and genius of its people diverted from building a just and secure and prosperous nation to repairing the grievous damage which the tragic invasion of 1974 left in its wake.

The situation on Cyprus has been further complicated by Turkish Cypriots' actions, beginning with the unilateral declaration of independence [UDI] in November 1983 to create a separate Turkish Cypriot self-governing entity. No state but Turkey has granted recognition to that "entity"; the United States immediately and vigorously condemned the Turkish-Cypriot action, and has consistently pursued the policy of nonrecognition.

Clearly and regrettably the unilateral Turkish-Cypriot action of 1983 has significantly complicated the already difficult task of restoring the integrity of the Republic of Cyprus on a just, peaceful, and enduring basis. That task has been undertaken by United Nations Secretary General Perez de Cuellar, and it is the policy of our Government to support the Secretary General's efforts. Just 4 weeks ago, in his bimonthly report on progress

toward a negotiated settlement on Cyprus, President Reagan forwarded to the Congress the Secretary General's June report to the Security Council. The President's report of September 3, 1985, reads in part:

Since my previous report, United Nations Secretary General Perez de Cuellar has continued his efforts, begun last fall, to obtain the two Cypriot communities' acceptance of an agreement containing the elements of a comprehensive Cyprus settlement. He endeavored to overcome the difficulties that had arisen during the January 1985 summit meeting by incorporating components of the documentation into a consolidated draft agreement. His expressed intention was to bring greater clarity to its various elements and to devise procedural arrangements for followup action, while preserving the substance of the documentation. The Secretary General reported to the Security Council in June, a copy of which is attached, that the Greek Cypriot side had replied affirmatively to his revised documentation and that he was awaiting the Turkish Cypriot response to his efforts. The Secretary General added that, "provided both sides manifest the necessary goodwill and cooperation, an agreement can be reached without further delay."

The Turkish Cypriots postponed replying to the Secretary General while they proceeded with a constitutional referendum on May 5, a presidential election on June 9, and parliamentary elections on June 23. The Turkish Cypriots stated that the referendum and the elections would not preclude their participation in a federal cypriot state. We have repeatedly registered with both communities our conviction that actions which might impede the Secretary General's efforts to negotiate an agreement should be avoided and have reiterated our policy of not recognizing a separate Turkish Cypriot "state."

Mr. President, on the 25th anniversary of the establishment of the independent Republic of Cyprus, the courageous and industrious people of Cyprus deserve our congratulations and respect. But they deserve more—a chance to live peaceful and prosperous lives, to raise their children and care for their families in a just and stable society. These objectives are not beyond reach. The Secretary-General's plan awaits a positive response from the Turkish Cypriot community. Let us hope that this initiative will bring to an end 11 long years of turmoil and permit all Cypriots once again to live together in peace.

Mr. KENNEDY. Mr. President, today I join Greek-Americans and the citizens of Cyprus in celebrating the 25th anniversary of the independence of the Republic of Cyprus. On this occasion, we are reminded of the deep and abiding commitment of the Cypriot nation to freedom, to justice, and to democracy. We are reminded of the strong and continuing ties between Cyprus and the United States, and of the major contribution those of Hellenic heritage have made to America through their great civilization and political and economic traditions.

But we are also reminded of the continuing tragedy in Cyprus and of the need for a lasting political settlement based on the legitimate rights of both the Greek majority and the Turkish minority. For the last 11 years, the Greek Cypriot population has endured a cruel and repressive occupation by Turkish troops. On this auspicious occasion, the United States must reaffirm its support of the United Nations Secretary General's efforts to resolve by peaceful means the crisis in Cyprus. At this critical time, the United States Government must give the tragic situation in Cyprus a higher priority in our Nation's foreign policy. We must ensure that the illegal occupation by Turkish troops in Cyprus be brought to a prompt and peaceful end.

After years of suffering at the hands of foreign oppressors, the people of Cyprus and the fundamental standards of justice demand no less.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution, as amended.

The resolution (S. Res. 68), as amended, was agreed to.

The amendments to the preamble were agreed to.

The preamble, as amended, was agreed to.

The resolution (S. Res. 680), as amended, and the preamble, as amended, are as follows:

S. RES. 68

Whereas on October 1, 1985, the Republic of Cyprus will mark the twenty-fifth anniversary of its independence;

Whereas despite the hardship of twenty-five years of strife, the people of Cyprus have remained steadfast in their commitment to a free nation;

Whereas the United States supports the efforts of the United Nations to help reach a framework for bringing a just and lasting peace to that nation;

Whereas the Secretary-General's current initiative on Cyprus has reached a critical stage, as reflected by President Reagan's report to Congress on September 3, 1985: Now, therefore, be it

*Resolved*, That (a) the Senate hereby congratulates the people of Cyprus on the twenty-fifth anniversary of their independence.

(b) It is the sense of the Senate that the United States reaffirms its continuing commitment to a just resolution of the Cyprus dispute, and its support for the efforts of the Secretary-General to bring peace to that troubled nation.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the Secretary of State.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## BILL PLACED ON CALENDAR—S. 1726

Mr. DOLE. Mr. President, I send a bill to the desk on behalf of Senator LUGAR and ask unanimous consent that it be placed on the calendar.

● Mr. LUGAR. Mr. President, I am introducing a bill to remedy a problem that resulted from the drafting of Public Law 99-83, the International Security Cooperation and Development Act, that was passed by the Congress in late July and signed by the President on August 8 of this year. This bill pertains to section 121(b), the special defense acquisition fund, and specifically refers to the sources of capitalizing this fund.

Mr. President, this bill would repeal the language in section 121(b) of the International Security Cooperation and Development Act which took effect on October 1, 1985. In doing so, the former language of 51(b) of the Arms Export Control Act would be retained in that section and would therefore allow for capitalization of the special defense acquisition fund from the same Department of Defense sources as was formerly authorized.

Both the majority and the minority sponsors of Public Law 99-83 here in the Senate have agreed to the need for this change. Their counterparts over in the House have also agreed to the necessity of this change. It is my understanding that the House will take up this measure as soon as the Senate approves it.●

The PRESIDING OFFICER. Without objection, the bill will be placed on the calendar.

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## AUTHORIZATION OF TESTIMONY OF SENATE EMPLOYEE

Mr. DOLE. Mr. President, I send a resolution to the desk on behalf of myself and the distinguished Senator from West Virginia [Mr. BYRD] and ask for its immediate consideration. it authorizes the testimony of a Senate employee.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A Senate resolution (S. Res. 236) to authorize the testimony of a Senate employee.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 236) was agreed to.

The preamble was agreed to.

The resolution with its preamble, reads as follows:

S. RES. 236

Whereas, in the case of *United States* v. *Amy Walls, et al.*, Petty Offense Violation No. J0027221/WE40, pending in the United States District Court for the Eastern District of Wisconsin, the defendants have obtained a subpoena for the appearance of David Krahn, Senator Bob Kasten's State director;

Whereas, by the privileges of the Senate of the United States and rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that the testimony of an employee of the Senate is needful for use in any court for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistent with the privileges and rights of the Senate: Now, therefore be it

*Resolved*, That David Krahn is authorized to appear and testify in the case of *United States* v. *Amy Walls, et al.*, except concerning matters which may be privileged.

Mr. DOLE. I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## PRESIDENT BANS KRUGERRAND IMPORT

Mr. DOLE. Mr. President, I inform the Senate that the President today announced the ban on the import of Krugerrands envisioned in his earlier Executive order on South Africa.

It is my hope that all of those who have been attacking the President on this issue and indicating that he was not acting in good faith or was trying to stall will take special note of this Presidential action. It is probably too much to hope that they will acknowledge their error and apologize to the President.

In any case, this Presidential action effectively closes the circle. The President has now put into effect all of the immediate sanctions envisioned in the legislation which was pending before us. By fully joining the Congress on this issue, the President has made it clear to the South African authorities that all Americans speak with one voice aganst apartheid. It should also be increasingly clear that we took the right action in the Senate in deferring further action on S. 995/H.R. 1460.

Mr. President, I point out to my colleagues that this is another indication that when the President made his decision on South Africa, he meant it, and that he has kept his word, as I think everyone knew he would. I indicate to my colleagues on both sides of this very sensitive issue that this is another indication that the President is speaking for the country, for the U.S. Senate, for all of us, and that we applaud his action.

## SENATE AGENDA

Mr. DOLE. Mr. President, I would like to give my colleagues some idea of what may happen for the remainder of the week. I have gone over some of the possibilities. I will point out that we are getting down to the wire on the debt ceiling. We are still hopeful that tomorrow we can get into some appropriations bills, but that has not been determined.

We cannot do reconciliation prior to Thursday.

We have some Executive Calendar nominations, but we need to meet on those.

The Compact of Free Association could be a prospect for tomorrow if we can work out something on that.

Mr. President, I think the urgent business, I am advised by the Treasury Secretary and others in the administration, is the debt limit extension. I doubt that we can move to that tomorrow. We may start on that on Thursday, but, again, on Thursday we have a problem because midafternoon on Thursday about 18 of our colleagues have commitments outside the city. I would guess we could perhaps start on Thursday and complete action on Friday and not have a Saturday session.

Again I would urge my colleagues, those who have indicated to me they would like to adjourn at a reasonable time this year, we are not making much progress. We did not do much last week and we have not done much this week. The prospects for doing a lot this week are not particularly bright.

I know there are problems with the appropriations bills. I hope we can resolve most of those. I hope something can be done quickly.

I am not in a position to indicate precisely what will happen, but I would guess we might find ourselves with the debt limit extension on Thursday and Friday of this week. Hopefully, we can move to appropriations bills, or perhaps the Compact of Free Association.

## ORDERS FOR WEDNESDAY, OCTOBER 2, 1985

ORDER FOR RECESS UNTIL TOMORROW AT 11 A.M.

Mr. DOLE. Mr President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 a.m., Wednesday, October 2, 1985.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF CERTAIN SENATORS

Mr. DOLE. Mr. President, I further ask unanimous consent that following the recognition of the two leaders under the standing order, there be special orders in favor of the following Senators for not to exceed 15 minutes each: Senator GOLDWATER, Senator NUNN, Senator BINGAMAN, and Senator PROXMIRE.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, following the special orders just identified, I ask unanimous consent that there be a period for the transaction of routine morning business, not to extend beyond the hour of 1 p.m., with Senators permitted to speak therein for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DOLE. Following that, Mr. President, as I have indicated, we will turn to any legislative or executive matter which has been cleared for action. I would guess that if we get into the appropriations bills or the Compact of Free Association tomorrow, we can expect rollcall votes.

Mr. BYRD. Mr. President, I was not in the Chamber when the distinguished majority leader began his discussion of the program, but I heard him say something about Saturday.

Mr. DOLE. There will be no Saturday session.

Mr. BYRD. There will be no Saturday session. I thank the distinguished majority leader.

Mr. DOLE. But very likely a Friday session. I have been advised by Treasury that we are running into problems on the debt limit. I know that there will probably be amendments. There will be a Friday session.

Mr. BYRD. I thank the distinguished majority leader.

## RECESS UNTIL 11 A.M. TOMORROW

Mr. DOLE. Mr. President, there being no further business to come before the Senate, I move that the Senate stand in recess until 11 a.m. tomorrow.

The motion was agreed to; and, at 6:31 p.m., the Senate recessed until tomorrow, Wednesday, October 2, 1985, at 11 a.m.

# HOUSE OF REPRESENTATIVES—*Tuesday, October 1, 1985*

The House met at 12 o'clock noon.

The Reverend Russell F. Blowers, senior pastor, East 91st Street Christian Church, Indianapolis, IN, offered the following prayer:

"God, You are our refuge and strength, a very present help in trouble. Therefore we will not fear, though the Earth give way and the mountains fall into the heart of the sea, though its waters roar and foam and the mountains quake.

"Nations are in uproar, kingdoms fall; You lift Your voice and the Earth melts. The Lord Almighty is with us; the God of Jacob is our fortress.

"He makes wars cease to the ends of the Earth; He breaks the bow and shatters the spear and burns the chariots with fire. Be still and know that I am God; I will be exalted among the nations, I will be exalted in the Earth."

Father God, You are the audience to what is said and done in open and in secret by the Members of this House.

At the beginning of this new day and month we will be still, and know that You are the Sovereign God in whom we live and move and have our being and our hope and our confidence.

We praise You together in the name of Jesus, Christ our Lord. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. LEWIS of Florida. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. LEWIS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will announce there will be no 1 minutes at this time today with the exception of the one by the gentleman from Indiana [Mr. BURTON]. The 1 minutes will take place later in the day.

We will go immediately to consideration of the farm bill after this vote.

The vote was taken by electronic device, and there were—yeas 279, nays 126, answered "present" 2, not voting 27, as follows:

[Roll No. 321]

### YEAS—279

| | | |
|---|---|---|
| Ackerman | Edwards (CA) | Lipinski |
| Akaka | English | Long |
| Alexander | Erdreich | Lowery (CA) |
| Anderson | Evans (IL) | Lowry (WA) |
| Andrews | Fascell | Lujan |
| Annunzio | Fawell | Luken |
| Anthony | Fazio | Lundine |
| Applegate | Feighan | MacKay |
| Archer | Fish | Manton |
| Aspin | Flippo | Markey |
| Atkins | Florio | Marlenee |
| AuCoin | Foglietta | Martinez |
| Barnard | Foley | Matsui |
| Barnes | Ford (TN) | Mavroules |
| Bateman | Fowler | Mazzoli |
| Bates | Frank | McCloskey |
| Bedell | Frenzel | McCurdy |
| Beilenson | Frost | McDade |
| Bennett | Fuqua | McHugh |
| Berman | Gaydos | McKinney |
| Bevill | Gejdenson | Mica |
| Biaggi | Gephardt | Mikulski |
| Boggs | Gibbons | Miller (WA) |
| Boland | Gilman | Mineta |
| Boner (TN) | Glickman | Moakley |
| Bonior (MI) | Gonzalez | Molinari |
| Bonker | Gordon | Mollohan |
| Borski | Gradison | Montgomery |
| Bosco | Gray (IL) | Moody |
| Boucher | Gray (PA) | Moore |
| Boulter | Green | Morrison (CT) |
| Boxer | Guarini | Mrazek |
| Breaux | Hall (OH) | Murphy |
| Broomfield | Hall, Ralph | Murtha |
| Brown (CA) | Hamilton | Myers |
| Broyhill | Hammerschmidt | Natcher |
| Bruce | Hansen | Neal |
| Bryant | Hatcher | Nelson |
| Burton (CA) | Hawkins | Nichols |
| Bustamante | Hayes | Nowak |
| Byron | Heftel | O'Brien |
| Carper | Henry | Oakar |
| Carr | Hertel | Oberstar |
| Chapman | Hillis | Obey |
| Chappell | Hopkins | Olin |
| Clinger | Horton | Ortiz |
| Coats | Howard | Owens |
| Coleman (TX) | Hoyer | Panetta |
| Collins | Hubbard | Pashayan |
| Conyers | Huckaby | Pease |
| Cooper | Hughes | Pepper |
| Coyne | Hutto | Perkins |
| Crockett | Hyde | Petri |
| Daniel | Jeffords | Pickle |
| Darden | Jenkins | Porter |
| Daschle | Johnson | Price |
| Davis | Jones (OK) | Pursell |
| de la Garza | Jones (TN) | Quillen |
| DeLay | Kanjorski | Rahall |
| Dellums | Kaptur | Rangel |
| Derrick | Kastenmeier | Ray |
| Dicks | Kemp | Regula |
| DioGuardi | Kennelly | Reid |
| Dixon | Kildee | Richardson |
| Donnelly | Kleczka | Rinaldo |
| Dorgan (ND) | Kolter | Ritter |
| Dornan (CA) | Kostmayer | Robinson |
| Downey | LaFalce | Rodino |
| Duncan | Lantos | Roe |
| Dwyer | Leath (TX) | Rose |
| Dyson | Lehman (CA) | Rostenkowski |
| Eckart (OH) | Lehman (FL) | Rowland (GA) |
| Eckert (NY) | Levin (MI) | Roybal |
| Edgar | Levine (CA) | Rudd |
| Russo | Stark | Walgren |
| Sabo | Stenholm | Watkins |
| Savage | Stokes | Waxman |
| Scheuer | Stratton | Weaver |
| Schneider | Studds | Weiss |
| Schumer | Swift | Wheat |
| Sharp | Synar | Whitehurst |
| Shelby | Tauzin | Whitley |
| Sisisky | Thomas (GA) | Whitten |
| Slattery | Torres | Wilson |
| Smith (FL) | Torricelli | Wirth |
| Smith (IA) | Traficant | Wise |
| Smith (NE) | Traxler | Wolpe |
| Smith (NJ) | Udall | Wright |
| Snyder | Valentine | Wyden |
| Solarz | Vander Jagt | Wylie |
| Spratt | Vento | Yates |
| Staggers | Visclosky | Yatron |
| Stallings | Volkmer | Young (MO) |

### NAYS—126

| | | |
|---|---|---|
| Armey | Hendon | Roberts |
| Badham | Hiler | Roemer |
| Bartlett | Holt | Rogers |
| Barton | Hunter | Roth |
| Bentley | Ireland | Roukema |
| Bereuter | Jacobs | Rowland (CT) |
| Bilirakis | Kasich | Saxton |
| Bliley | Kindness | Schaefer |
| Boehlert | Kolbe | Schroeder |
| Brown (CO) | Kramer | Schuette |
| Burton (IN) | Lagomarsino | Sensenbrenner |
| Callahan | Latta | Shaw |
| Campbell | Leach (IA) | Shumway |
| Chandler | Lent | Shuster |
| Chappie | Lewis (CA) | Sikorski |
| Cheney | Lewis (FL) | Siljander |
| Clay | Lightfoot | Skeen |
| Cobey | Livingston | Slaughter |
| Coble | Lloyd | Smith, Denny (OR) |
| Coleman (MO) | Lott | Smith, Robert (NH) |
| Combest | Lungren | Smith, Robert (OR) |
| Conte | Mack | Snowe |
| Coughlin | Madigan | Solomon |
| Courter | Martin (IL) | Spence |
| Craig | McCain | Stangeland |
| Crane | McCollum | Strang |
| Dannemeyer | McEwen | Stump |
| Daub | McGrath | Sundquist |
| DeWine | McKernan | Swindall |
| Dickinson | McMillan | Tauke |
| Dreier | Meyers | Taylor |
| Durbin | Michel | Thomas (CA) |
| Emerson | Miller (OH) | Vucanovich |
| Evans (IA) | Mitchell | Walker |
| Fiedler | Monson | Weber |
| Fields | Moorhead | Wolf |
| Gallo | Morrison (WA) | Wortley |
| Gekas | Nielson | Young (AK) |
| Goodling | Oxley | Young (FL) |
| Gregg | Packard | Zschau |
| Grotberg | Parris | |
| Gunderson | Penny | |
| Hartnett | Ridge | |

### ANSWERED "PRESENT"—2

Dymally McCandless

### NOT VOTING—27

| | | |
|---|---|---|
| Addabbo | Franklin | Schulze |
| Brooks | Garcia | Seiberling |
| Carney | Gingrich | Skelton |
| Coelho | Hefner | St Germain |
| Dingell | Jones (NC) | Sweeney |
| Dowdy | Leland | Tallon |
| Early | Loeffler | Towns |
| Edwards (OK) | Martin (NY) | Whittaker |
| Ford (MI) | Miller (CA) | Williams |

□ 1225

So the Journal was approved.

The result of the vote was announced as above recorded.

## SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Saunders, one of his secretaries.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1210. An act to authorize appropriations to the National Science Foundation for the fiscal year 1986, and for other purposes;

H.R. 2419. An act to authorize appropriations for fiscal year 1986 for intelligence and intelligence-related activities of the U.S. Government, the Intelligence Community staff, and the Central Intelligence Agency retirement and disability system, and for other purposes.

H.R. 3036. An act making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1986, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3036) "An act making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1986, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ABDNOR, Mr. LAXALT, Mr. MATTINGLY, Mr. HATFIELD, Mr. DECONCINI, and Mr. STENNIS to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2419) "An act to authorize appropriations for fiscal year 1986 for intelligence and intelligence-related activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. DURENBERGER, Mr. COHEN, Mr. HATCH, Mr. MURKOWSKI, Mr. HECHT, Mr. MCCONNELL, Mr. LEAHY, Mr. BENTSEN, Mr. NUNN, Mr. BOREN, and Mr. BRADLEY to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 1701. An act to authorize a partial transfer of the authority of the Maine-New Hampshire Interstate Bridge Authority to the States of Maine and New Hampshire;

S.J. Res. 189. Joint resolution designating the week beginning January 12, 1986, as "National Fetal Alcohol Syndrome Awareness Week";

S.J. Res. 201. Joint resolution to designate the week beginning September 22, 1985, as "National Needlework Week"; and

S.J. Res. 206. Joint resolution to authorize and request the President to designate the month of December 1985, as "Made in America Month."

## REV. RUSSELL BLOWERS

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, soon after I entered politics I met Dr. Russ Blowers—pastor of the East 91st Street Christian Church in Indianapolis. Russ is one of the outstanding men in Indiana, and in my view America as well.

He received his education at Ohio University and Christian Theological Seminary. Milligan College subsequently awarded him an honorary doctor of divinity degree in 1974.

He's been president of the 1975 North American Christian Convention, and serves on the board of directors of the British American Fellowship Committee. In 1980 he was chairman of the Central Indiana Billy Graham Crusade. He's also authored two fine books.

He's married to a wonderful lady, Marian, and they have two fine sons, Philip and Paul.

His accomplishments and contributions are to numerous to mention—so I'll end by simply saying he's a true man of God, and I consider it an honor to call him my friend.

## PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

## O. EDMUND CLUBB

The Clerk called the bill (H.R. 1863) for the relief of O. Edmund Clubb.

There being no objection, the Clerk read the bill, as follows:

H.R. 1863

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Congress finds that—

(1) O. Edmund Clubb served from 1928 until his retirement in 1952 as a United States Foreign Service Officer, with eighteen years of service in China, including assignment from 1947 to 1950 as United States Counsel General in Peiping (Peking), China;

(2) certain personal possessions belonging to Mr. Clubb, consisting generally of his personal collection of valuable objects of d'art and rare manuscripts, were removed and detained by local Chinese authorities from a shipment of his personal effects following his departure from China in 1950, or otherwise became unaccounted for in the course of such departure;

(3) in the expectation that these possessions could be regained through diplomatic representations by the British and United States Governments to the Government of the People's Republic of China, Mr. Clubb refrained from pursuing claims for compensation against the Chinese or United States Government;

(4) all diplomatic efforts to locate and regain these possessions have been exhausted without result, leaving no recourse but to consider them as an uncompensated loss, having occurred during the service of Mr. Clubb as a civilian employee of the United States Government; and

(5) there remains no other remedy for this loss than to obtain compensatory payment from the United States Government, of which Mr. Clubb was an employee at the time of the loss, and in the service of which the loss occurred.

SEC. 2(a) The Secretary of State shall settle and pay, in accordance with section 3 of the Military Personnel and Civilian Employees Claims Act of 1964 (31 U.S.C. 241), the amount of claims by O. Edmund Clubb, of Palenville, New York, against the United States—

(1) For the loss of his personal property which occurred as a result of or incident of his service in the Foreign Service of the United States in Peiping (Peking), China from 1947 to 1950, plus interest at a rate of 6 per centum from the date of the loss, and

(2) for those costs of shipping his personal effects from China, following that period of service, which were authorized by the Federal Government but for which Mr. Clubb was not reimbursed, plus interest at a rate of 6 per centum per annum from the date of the shipment or shipments involved.

Such claims shall be determined notwithstanding those provisions of subsection (b)(1) of section 3 of the Military Personnel and Civilian Employees Claims Act of 1964, relating to the time at which claims arose and limiting the amount of a claim, and notwithstanding subsection (c)(1) of that section.

(b) In determining the amount of claims described in subsection (a) of this section, the Secretary of State shall deduct any amounts which O. Edmund Clubb has received from any source on account of the same claims.

(c) The payment of any claims described in subsection (a) of this section shall be made from funds made available to carry out section 3 or section 9 of the Military Personnel and Civilian Employee Claims Act of 1964 (31 U.S.C. 241 or 243a).

(d) The account in the Treasury from which payments are made pursuant to subsection (c) of this section shall be reimbursed, to the extent of those payments, from any sums described in subsection (f)(1) of section 8 of the International Claims Settlement Act of 1949 (22 U.S.C. 1627(f)(1)) that remain after all payments are made pursuant to subsection (f) of such section 8.

SEC. 3. Any amounts paid to O. Edmund Clubb under this Act shall be in full settlement of any claim he has against the United States or the Government of the People's Republic of China arising from the loss of property or the shipping costs described in section 2(a) of this Act.

SEC. 4. No amount in excess of 10 per centum of the amount paid pursuant to section 2 of this Act shall be paid to or received by any agent or attorney in connection with

the claims described in section 2(a) of this Act. Any person violating this section shall be guilty of a misdemeanor and upon conviction shall be fined not more than $1,000.

With the following committee amendment:

Strike all after the enacting clause and insert:

That the Secretary of the Treasury shall pay, out of any funds in the Treasury not otherwise appropriated, $15,086.70, plus interest in the amount of 6 per centum from July 31, 1970, to Mr. O. Edmund Clubb of Palenville, New York, in full settlement of all his claims against the United States for the loss of personal property incident to his service as Counsel General in Peking, China, in 1950.

SEC. 2. It shall be unlawful for any amount in excess of 10 per centum of the payment referred to in the first section of this Act to be paid to, delivered to, or received by any agency or attorney in consideration for services rendered in connection with such payment. Any person who violates this section shall, upon conviction, be fined not more than $1,000.

Mr. BOUCHER (during the reading). Mr. Speaker, I ask unanimous consent that the bill and the committee amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## RICHARD W. IRELAND

The Clerk called the bill (H.R. 1261) for the relief of Richard W. Ireland.

There being no objection, the Clerk read the bill, as follows:

H.R. 1261

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of Agriculture shall pay, out of any appropriations or other funds available to the Secretary for the reimbursement of relocation expenses under section 5724a of title 5, United States Code, to Richard W. Ireland, $5,102.08. Such sum shall be in full satisfaction of any claim by Richard W. Ireland, and employee of the Farmers Home Administration, for expenses—

(1) which were incurred in connection with the sale of his residence and transportation of his household goods when he was transferred from Auburn, Maine, to Presque Isle, Maine; and

(2) for which he could have been reimbursed under section 5724a had he been able to complete the sale within the two year time limit prescribed in paragraph 2-6.1e of the Federal Travel Regulations (FPMR 101-7, May 1973) instead of the three year time period erroneously approved by the State Director of the Farmers Home Administration.

SEC. 2. No part of the amount provided for in the first section of this Act in excess of 10 per centum thereof shall be paid to or received by an agent or attorney on account of services rendered in connection with the claim described in the first section, and the payment or receipt in excess of 10 per centum of the amount provided for in the first section shall be unlawful, any contract to the contrary notwithstanding. Violation of the provisions of this section is a misdemeanor punishable by a fine not to exceed $1,000.

Mr. BOUCHER (during the reading). Mr. Speaker, I ask unanimous consent that the bill be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## STEVEN McKENNA

The Clerk called the bill (H.R. 1598) for the relief of Steven McKenna.

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

## BETSY L. RANDALL

The Clerk called the bill (H.R. 2991) for the relief of Betsy L. Randall.

There being no objection, the Clerk read the bill, as follows:

H.R. 2991

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Betsy L. Randall is relieved of all liability to repay the United States $523.82. Such amount represents money advanced for relocation travel in anticipation of employment with the Forest Service, Department of Agriculture in 1982, and was advanced pursuant to a properly executed Travel Authorization. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this Act.

Mr. BOUCHER (during the reading). Mr. Speaker, I ask unanimous consent that the bill be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## PAULETTE MENDES-SILVA

The Clerk called the bill (H.R. 2316) for the relief of Paulette Mendes-Silva.

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

## ELECTION AS MEMBER OF COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. MICHEL. Mr. Speaker, by direction of the Republican conference, I offer a privileged resolution (H. Res. 280) electing Representative COMBEST of Texas to the Committee on the District of Columbia, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 280

*Resolved,* That Representative Larry Combest of Texas be and is hereby elected to the Committee on the District of Columbia.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC, *September 30, 1985.*

Hon. THOMAS P. O'NEILL, Jr.,
*The Speaker, House of Represetatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 4:10 p.m. on Monday, September 30, 1985, the following messages from the Secretary of the Senate:

(1) That the Senate passed H.R. 3452; and

(2) That the Senate passed H.R. 3454.

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
*Clerk, House of Representatives.*

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, The Speaker pro tempore signed the following enrolled bill on Monday, September 30, 1985:

H.R. 3452. An act to extend for 45 days the application of tobacco excise taxes, trade adjustment assistance, certain Medicare reimbursement provisions, and borrowing authority under the Rail-Road Unemployment Insurance Program.

And the following enrolled bill earlier today:

H.R. 3454. An act to extend temporarily certain provisions of law.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOURNAL RESOLUTION 3, TO PREVENT NUCLEAR EXPLOSIVE TESTING

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. 99-294) on the resolution (H. Res. 281) providing for the consideration of the joint resolution (H.J. Res. 3) to prevent nuclear explosive testing, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 3327, MILITARY CONSTRUCTION APPROPRIATIONS, FISCAL YEAR 1986

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 99-295) on the resolution (H. Res. 282) waiving certain points of order against consideration of the bill (H.R. 3327) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1986, and for other purposes, which was referred to the House Calendar and ordered to be printed.

APPOINTMENT OF CONFEREES ON H.R. 2959, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 1986

Mr. BEVILL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2959) making appropriations for energy and water development for the fiscal year ending September 30, 1986, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Alabama? The Chair hears none, and appoints the following conferees: Mr. BEVILL, Mrs. BOGGS, Messrs. CHAPPELL, FAZIO, WATKINS, BONER of Tennessee, WHITTEN, and MYERS of Indiana, Mrs. SMITH of Nebraska, Mr. RUDD, and Mr. CONTE.

PERMISSION TO HAVE UNTIL MIDNIGHT, OCTOBER 9, 1985, TO FILE CONFERENCE REPORT ON H.R. 2959, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 1986

Mr. BEVILL. Mr. Speaker, I ask unanimous consent that the managers may have until midnight, Wednesday, October 9, 1985, to file a conference report on the bill (H.R. 2959) making appropriations for energy and water development for the fiscal year ending September 30, 1986, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

PRIVILEGES OF THE HOUSE—RETURNING TO SENATE S. 1712, EXTENDING CERTAIN EXCISE TAX RATES

Mr. ROSTENKOWSKI. Mr. Speaker, I rise to a question of the privileges of the House. I send to the desk a privileged resolution (H. Res. 283) and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 283

*Resolved*, That the bill of the Senate (S. 1712) to provide an extension of certain excise tax rates, in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

The SPEAKER. The gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 1 hour.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution is simple and straightforward. On September 26, 1985, the Senate passed S. 1712, legislation which would extend the 16-cents-per-pack cigarette excise tax rate for 45 days, through November 14, 1985. As passed by the Senate, the bill clearly is a revenue measure. As such, the bill on its face violates the prerogatives of the House of Representatives under the Constitution to originate revenue bills.

Mr. Speaker, in this instance, the Senate has taken it upon itself to directly originate an entire revenue bill. There can be no clearer case where the prerogatives of the House of Representatives have been disregarded by the other body.

Yesterday, the House passed H.R. 3452, the Emergency Extension Act of 1985. That legislation, which included a 45-day extension of the existing cigarette excise tax rates, also passed the Senate and was signed into law by the President.

Mr. Speaker, S. 1712 should be returned to the Senate.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

There was no objection.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DEFERRALS OF BUDGET AUTHORITY FOR 1986—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-111)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

(For message, see proceedings of the Senate of today, Tuesday, October 1, 1985.)

DEFERRALS OF BUDGET AUTHORITY FOR 1985—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-112)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

(For message, see proceedings of the Senate of today, Tuesday, October 1, 1985.)

□ 1235

FOOD SECURITY ACT OF 1985

The SPEAKER. Pursuant to House Resolution 267 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 2100.

□ 1236

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2100) to extend and revise agricultural price support and related programs, to provide for agricultural export, resource conservation, farm credit, and agricultural research and related programs, to continue food assistance to low-income persons, to ensure consumers an abundance of food and fiber at reasonable prices, and for other purposes, with Mr. BONIOR of Michigan in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, September 26, title IV was open to amendment at any point to amendments printed in the CONGRESSIONAL RECORD before September 24, 1985.

Are there amendments to title IV?

AMENDMENT OFFERED BY MR. GLICKMAN

Mr. GLICKMAN. Mr. Chairman, I offer an amendment.

Mr. MADIGAN. Mr. Chairman, I reserve a point of order on the amendment.

The Clerk read as follows:

Amendment offered by Mr. GLICKMAN: Title IV of H.R. 2100 is amended by—

On page 65, after line 8, striking all through "shall" on line 11 and inserting in lieu thereof the following:

"(2) If the Secretary determines that the availability of nonrecourse loans and purchases will not have an adverse effect on the program provided for in paragraph (3), the Secretary may";

On page 67, after line 5, striking "The Secretary may" and inserting in lieu thereof the following:

"(3)(A) Unless the Secretary, at the Secretary's discretion, makes available nonrecourse loans and purchases to producers under paragraph (2) for a crop of wheat, the Secretary shall";

On page 68, line 23 before the "." inserting the following: ", except that the Secretary shall not make available payments under this paragraph to any producer with a wheat acreage base of less than 15 acres for the crop.";

On page 70, after line 11, striking all through line 12, page 71 and inserting in lieu thereof the following:

"(C) For each crop of wheat, the established price shall not be less than the following levels for each farm:

"(i) $4.50 per bushel for any portion of the crop produced on each farm that does not exceed fifteen thousand bushels and

"(ii) $4.00 per bushel for any portion of the crop produced on each farm that exceeds fifteen thousand bushels.";

On page 86, line 15 stricking "may not" and inserting in lieu thereof the following: "shall";

On page 86, line 18 striking "may" and inserting in lieu thereof the following: "shall"; and

Title V of H.R. 2100 is amended by—

On page 87, after line 15, striking all through "shall" on line 18 and inserting in lieu thereof the following—

"(2)(A) If the Secretary determines that the availability of nonrecourse loans and purchases will not have an adverse effect on the program provided for in paragraph (3), the Secretary may";

On page 89, after line 11, striking all through "shall" on line 15 and inserting in lieu thereof the following—

"(B) If the Secretary determines that the availability of nonrecourse loans and purchases will not have an adverse effect on the program provided for in paragraph (3), the Secretary may";

On page 89, line 5, striking "The Secretary may" and inserting in lieu thereof the following:

"(3)(A) Unless the Secretary, at the Secretary's discretion, makes available nonrecourse loans and purchases to producers under paragraph (2) for a crop of corn the Secretary shall";

On page 90, line 21, striking "The Secretary may" and inserting in lieu thereof the following:

"(B) Unless the Secretary, at the Secretary's discretion, makes available nonrecourse loans and purchases to producers under paragraph (2) for a crop of feed grains the Secretary shall";

On page 92, line 4, before the "." insert the following: ", except that the Secretary shall not make available payments under this paragraph to any producer with a feed grains acreage base of less than 15 acres for the crop.";

On page 93, after line 19 striking all through line 20, page 94 and inserting in lieu thereof the following:

"(C) For each crop of corn, the established price shall not be less than the following levels for each farm:

"(i) $3.10 per bushel for any portion of the crop produced on each farm that does not exceed thirty thousand bushels and

"(ii) $2.75 per bushel for any portion of the crop produced on each farm that exceeds thirty thousand bushels.";

On page 109, line 12 stirking "may not" and inserting in lieu thereof the following: "shall"; and

On page 109, line 15 striking "may" and inserting in lieu thereof the following: "shall"."

Mr. GLICKMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. GLICKMAN. Mr. Chairman, rather than taking the time of the full House, rather than talking about the substance of the amendment, in order to expedite the process, I wonder if we might deal with the point of order right now, and if the Chair rules that it is out of order, there is no reason why I have to spend 5 or 10 minutes explaining the amendment.

POINTS OF ORDER

The CHAIRMAN. Does the gentleman from Illinois insist on his point of order?

Mr. MADIGAN. Mr. Chairman, under my reservation, I yield to the gentleman from Oregon [Mr. ROBERT F. SMITH].

The CHAIRMAN. The gentleman will suspend. Under a reservation of a point of order, the gentleman cannot yield time. If other Members have points of order, they can make them and they will be so recognized.

Mr. MADIGAN. Mr. Chairman, I believe a point of order would lie against the amendment offered by the gentleman from Kansas [Mr. GLICKMAN] because the amendment, if I understand the amendment that is being offered, goes to more than one title of the bill, and I think that because it goes to more than one title of the bill, it would not be in order at this point.

Mr. GLICKMAN. Mr. Chairman, may I speak to the point of order?

The CHAIRMAN. The gentleman from Kansas [Mr. GLICKMAN] is recognized.

Mr. GLICKMAN. Mr. Chairman, the amendment amends two titles of the bill. To be frank with the Chair, it was submitted as one amendment, but the intention of the author of this amendment as well as the other authors was to deal with the issues as they affected title IV and then title V. I put it in one title of the bill, but, to be honest with the Chair, the issues are divisible, they are separate. I could have amended it and put it in two separate amendments. I did not because that is not the way the issue came up in the Committee on Agriculture.

The issues relating to the issue of targeting deficiency payments to small- and medium-sized farmers and utilizing a device called the marketing loan as a way to deal with our exports; they are in the wheat section, title IV, and there is a separate matter, deals with it separately in the feed grains section, title V.

The amendments are divisible. The language is divisible, and I would hope that the Chair would understand that it was the intent of the author of the amendment to really consider these two as two separate concepts, but I put them together for the ease of putting them in one amendment, since feed grains in the committee were dealt with as one basic issue.

Mr. ROBERT F. SMITH. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. ROBERT F. SMITH. I thank the Chair.

Mr. Chairman, rule III of the rules provides that considerations can only be by title, not by section. I think the point remains that there is no question that this amendment does affect two titles. There are several other amendments, Mr. Chairman, that I will rise on this same issue affecting both sides of the aisle. I think to keep this whole discussion clean, we should follow the rule. The rule clearly states that you cannot amend two titles in one amendment.

The CHAIRMAN. Are there others who wish to be heard?

Does the gentleman from Minnesota [Mr. STANGELAND] make a point of order on this?

Mr. STANGELAND. Mr. Chairman, I reserve the right to make a point of order. I reserve the point of order.

The CHAIRMAN. Is the gentleman making a point of order on this amendment?

Mr. STANGELAND. Mr. Chairman, I am arguing against the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

The gentleman from Minnesota is recognized.

Mr. STANGELAND. I thank the Chair. I just want to make the point that the amendment was printed in two distinctly separate sections. One portion of the amendment dealt with wheat and target prices and marketing loans. The second section of the amendment deals with title V, the feed grain section. Two distinctly different amendments but introduced in the RECORD as, unfortunately, one amendment. But they deal with the two sec-

tions separately. I would just appeal to the Chair that the intent of the authors was that because they were handled en bloc in committee, we would run that way, but they are divisible, they can be addressed to title IV and title V very distinctly in the amendment.

I thank the Chair.

The CHAIRMAN (Mr BONIOR of Michigan). The Chair is prepared to rule.

The Chair would state that the Chair can only look at the form in which the amendment has been submitted for printing in the RECORD. According to the rule, the substitute shall be considered for amendment by title instead of by sections, and only amendments to the bill which have been printed in the RECORD by September 24 may be offered.

Therefore, the only way in which the amendment that the gentleman from Kansas [Mr. GLICKMAN] wishes to offer could be considered is by unanimous consent.

The Chair sustains the point of order.

Mr. GLICKMAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Without objection, the gentleman is recognized.

There was no objection.

Mr. GLICKMAN. Mr. Chairman, I say to my colleague, the gentleman from Oregon——

Mr. ROBERT F. SMITH. Mr. Chairman, a point of order.

Mr. GLICKMAN. I have the time, 5 minutes. The Chairman has given me 5 minutes.

Mr. ROBERT F. SMITH. Mr. Chairman, may I ask under what order the gentleman is speaking?

Mr. GLICKMAN. I moved to strike the last word.

The CHAIRMAN. The gentleman from Kansas moved to strike the last word. The Chair asked if there was objection. Hearing none, the gentleman was recognized for 5 minutes.

Mr. GLICKMAN. I would just say to my colleague from Oregon that I am going to get these amendments offered in one way or the other. If they are not offered in this way, it is my understanding the gentleman from North Dakota is going to offer amendments on the wheat section and on the feed grains section separately, and I am going to move to amend those sections of the bill to include this language.

Now, given that that is the case, I wonder if the gentleman would object if I would divide the amendment I just offered and agree if I offer the wheat section only, because if the gentleman does not, I am going to come right back and amend his section. Why waste the committee's time?

Mr. ROBERT F. SMITH. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Oregon.

Mr. ROBERT F. SMITH. I thank the gentleman for yielding.

Mr. Chairman, I can only suggest that the gentleman should do what he can do within the rules. I am merely pointing out that technically it has been sustained by the Chair that the amendment in its form is not properly before the House.

Now, whatever avenues the gentleman might like to pursue he must take. I am going to continue to object to the kind of amendment that is here and will object to the division because the gentleman has another alternative.

Mr. MADIGAN. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I will be glad to yield to the gentleman from Illinois.

Mr. MADIGAN. I thank the gentleman for yielding.

Mr. Chairman, I would say to the gentleman there probably might be more willingness to ignore the rules if we were not mixing various elements of various proposals here. Targeting is one think; market loan is something else. To try to consider those jointly is perhaps objectionable to some people who might not consider one or the other objectionable, and that might be something the gentleman would want to think about.

I certainly do not want to frustrate the will of the House or the opportunity of any Member to present things to the House for them to work their will. But to tie on the targeting to the marketing loan concept is sort of to blackmail certain people who might be for the marketing loan and would have to accept the targeting because they wanted to vote for the marketing loan. I think the gentleman understands that.

Mr. GLICKMAN. I do understand it. I would object to the characterization of "blackmail." This is the way it was offered in the full Committee on Agriculture and almost prevailed by a margin of 22 to 20. But I am not going to take the time of the House. I am going to try to work the legislative will of this body as the amending process continues.

AMENDMENT OFFERED BY MR. DORGAN OF NORTH DAKOTA

Mr. DORGAN of North Dakota. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DORGAN of North Dakota: Page 70, strike out line 19 and all that follows thereafter through page 71, line 19, and insert in lieu thereof the following:

"(C) The established price for the 1986 through 1990 crops of wheat shall be $5.25 per bushel for any portion of the crop produced on each farm that does not exceed twelve thousand bushels.

Mr. ROBERT F. SMITH. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN. The gentleman reserves a point of order.

The gentleman from North Dakota [Mr. DORGAN] is recognized for 5 minutes in support of his amendment.

Mr. DORGAN of North Dakota. Mr. Chairman, as the gentleman from Kansas indicated, a number of us have been working in different ways to try and provide some targeting to price supports in the bill reported out by the Committee on Agriculture.

Let me explain briefly what my amendment does and then indicate that I expect my amendment will be either amended or substituted for by the gentleman from Kansas [Mr. GLICKMAN].

My intent has been to see if we can turn the corner here on farm policy and use our money as effectively as we can to provide the strongest support price possible for the family farm. We have limited resources in this country to devote to agriculture. Yet, with limited resources we tend to use those resources in a manner that, in my judgement, is not in the best interests of agriculture.

Our dollars tend to follow production, those who produce the most get the most; those who produce the most and get the most need it the least. Therefore, using the same amount of money or less, why do we not consider providing a stronger target price for the first increment of production?

In the amendment that I have introduced, it would provide for a $5.25 target price for the first 12,000 bushels of wheat production.

The gentleman from Kansas [Mr. GLICKMAN], when he offers his amendment, will provide for a $4.50 target price for wheat for the first 15,000 bushels and $4 target price over that.

Now the approach here is to simply say this: We have to decide in this country whether our public policy is designed to promote a network of family farms. If it is not, then let us continue doing what we have been doing and we will see record farm failures, we will use a lot of money, and it will all follow production. Those who produce the most will get the most, and they need it the least.

But if we want to change all that, let us use our resources in a way that provides a much stronger support price for the first increment of production.

It is not an approach that says, "Big is bad," or, "Small is beautiful;" it simply says as a matter of public policy we think it is in this country's interests we think it is in this country's security interest to maintain a network of family farms.

How best do you do that? You use whatever resources you have available to you to layer in with the best support price possible for that increment of production that you can cover with your resources, believing then that you have told family farmers that if they work hard and if they pay atten-

tion to management, they can make a living out there on the farm.

□ 1250

They have done this in Japan; they have done it in Western Europe. A number of countries have made that policy decision that, yes, we want, as a matter of public policy, to do what is necessary to maintain a network of family farms. We have not done that in this country. The manner in which we spend our money for support prices for agriculture determines whether we have a public policy that says we want a network of family farms in America's future. That is the reason I have introduced this amendment. Since I drafted this amendment earlier this year in a bill and then noticed it to the House as an amendment, I worked with the gentleman from Kansas, the gentleman from Minnesota, the gentleman from South Dakota and others, to see if we could not agree to an approach that targets farm price supports in a responsible way.

I intend to support the gentleman from Kansas in his effort as a substitute to this to try to provide some targeting because that will be the first step in turning the corner to use our public dollars to promote the existence in the long term in America of a network of family farms.

I would be happy to yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, first of all, I want to thank the gentleman from North Dakota for presenting this issue to the floor.

The gentleman from Minnesota will be offering a substitute to the gentleman's amendment. That substitute will modify the numbers on the targeting and add the marketing loan language. But I want to say to my colleagues that the issue here is a very important issue. The issue is: Do we think that the farm program benefits are to be targeted to small- and medium-size farmers who, for the most part, need that help more than do farmers in the largest 5 percent? And the second part of the substitute will be based on the marketing loan concept. But the Members should understand that this is an important issue in this bill. It has not gotten quite the play that the referendum language has. But the issue is: Should we target farm programs?

And I might say to my colleagues that the other body in their bill so far have in fact done this. They have targeted farm programs, essentially based on size, and I think as a matter of policy we ought to be doing that.

Mr. DORGAN of North Dakota. Reclaiming my time, let me say in conclusion that if you are a farmer in Western Europe, in France, in Germany, in Italy, and you raise wheat, you are provided a much higher support price than you are provided for raising wheat here in America. If you are a farmer in Japan, it is even higher than the support price you get in Western Europe.

Now, it is not because we are not spending the money. Lord knows, we spend lots of money on agriculture. It is because the money is moving in the wrong direction. We are, with a loan rate, undergirding every single bushel produced by those who produce the largest crops in America.

The CHAIRMAN. The time of the gentleman from North Dakota [Mr. DORGAN] has expired.

(By unanimous consent, Mr. DORGAN of North Dakota was allowed to proceed for 30 additional seconds.)

Mr. DORGAN of North Dakota. Mr. Chairman, we are spending plenty of money. Let us spend it the right way.

I neglected, when I began, to say that I have worked with the gentleman from Minnesota [Mr. STANGELAND]. Part of this is also the marketing loan, which I think is a good idea, that Congressman STANGELAND has worked on, but, to me, targeting is what is essential in this amendment, and I hope the Members of the House of Representatives will see this as a new approach, a new way to use public dollars more effectively to save the family farm in America.

The CHAIRMAN. A point of order was reserved by the gentleman from Oregon [Mr. ROBERT F. SMITH]. Does the gentleman wish to pursue his point of order?

Mr. ROBERT F. SMITH. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn.

AMENDMENT OFFERED BY MR. STANGELAND AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. DORGAN OF NORTH DAKOTA

Mr. STANGELAND. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. STANGELAND as a substitute for the amendment offered by Mr. DORGAN of North Dakota:

Strike the amendment to page 70 in the Glickman (Dorgan as printed in the RECORD) amendment and insert in lieu thereof the following:

"(a) on page 68, line 23 before the "." inserting the following: ", except that the Secretary shall not make available payments under this paragraph to any producer with a wheat acreage base of less than 15 acres for the crop.";

"(b) on page 70, after line 11 striking all through page 71, line 12 and inserting in lieu thereof the following—

"(C) For each crop of wheat, the established price shall not be less than the following levels for each farm:

"(i) $4.50 per bushel for any portion of the crop produced on each farm that does not exceed fifteen thousand bushels and

"(ii) $4.00 per bushel for any portion of the crop produced on each farm that exceeds fifteen thousand bushels."; and

(1) Title IV of H.R. 2100 is amended by—

"(a) on page 65, after line 8, striking all through "shall" on line 11 and inserting in lieu thereof the following—

"(2) If the Secretary determines that the availability of nonrecourse loans and purchases will not have an adverse effect on the program provided for in paragraph (3), the Secretary may";

(b) on page 67, line 5 striking "The Secretary may" and inserting in lieu thereof the following—

"(3)(A) Unless the Secretary, at the Secretary's discretion, makes available nonrecourse loans and purchases to producers under paragraph (2) for a crop of wheat, the Secretary shall";

"(c) on page 68, after line 25, inserting the following new paragraph—

"(4)(A) The Secretary may, for each of the 1986 through 1989 crops of wheat, make payments available to producers who, although eligible to obtain a loan or purchase agreement under paragraph (3), agree to forgo obtaining such loan or agreement in return for such payments.

"(B)(i) A payment under this paragraph shall be computed by multiplying—

"(I) the loan payment rate; by

"(II) the quantity of wheat the producer is eligible to place under loan.

"(ii) For purposes of the paragraph, the quantity of wheat eligible to be placed under loan may not exceed the produce obtained by multiplying—

"(I) the individual farm program acreage for the crop; by

"(II) the farm program payment yield established for the farm.

"(C) For purposes of this paragraph, the loan payment rate shall be the amount by which—

"(i) the loan level determined for such crop under paragraph (3); exceeds

"(ii) the level at which a loan may be repaid under paragraph (3)(B).

"(D) Any payments under this paragraph shall not be included in the payments subject to limitations under the provisions of section 1011 of the Food Security Act of 1985."

"(d) on page 68, line 23 before the "." inserting the following: ", except that the Secretary shall not make available payments under this paragraph to any producer with a wheat acreage base of less than 15 acres for the crop.";

"(e) on page 70, after line 11 striking all through line 12, page 71 and inserting in lieu thereof the following—

"(C) For each crop of wheat, the established price shall not be less than the following levels for each farm:

"(i) $4.50 per bushel for any portion of the crop produced on each farm that does not exceed fifteen thousand bushels and

"(ii) $4.00 per bushel for any portion of the crop produced on each farm that does not exceed fifteen thousand bushels.";

"(f) on page 86, line 15 striking "may not" and inserting in lieu thereof the following: "shall";

"(g) on page 86, line 18 striking "may" and inserting in lieu thereof the following: "shall"; and

Mr. STANGELAND (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. STANGELAND. Mr. Chairman, first of all, let me say that the substitute amendment now before us is the original Glickman-Stangeland-Roberts-Daschle amendment with a minor technical change to assure that it costs no more than the present committee bill.

I think that's an important point to make. Our amendment does not spend more money than the committee bill, it merely allocates the limited Federal dollars available in a more efficient and cost-effective manner to assist family-sized farmers.

In a nutshell, our amendment directs maximum farm program benefits to the middle 85-90 percent of all U.S. grain farmers having wheat bases from 15-535 acres and corn bases from 15-340 acres. It accomplishes this goal in two ways: First, by implementing a two-tiered target price which permits a higher level of support than the committee bill, but only up to a certain volume of production; and secondly, through the implementation of a recourse marketing loan.

I personally believe that the targeting of direct farm program payments—which we are doing through our two-tiered target price proposal—is a concept whose time has come. Ever since the enactment of the 1981 farm bill, numerous studies have shown that it is not the extremely small hobby farmers primarily dependent upon income earned off the farm, nor is it the large-scale superfarms, which are most in need of farm program benefits.

But the problem with current farm programs is that no such distinction is made. That is a major reason why farm program costs have exploded in recent years, while an ever-growing number of medium-sized family farmers continue to be driven from their land.

For example, in 1984, just 1 percent of the largest wheat farms in the United States received 14 percent of the total direct Government payments. Likewise, 2 percent of the corn producers received 16 percent of the payments.

The committee bill would merely extend this disparity for another 5 years. This amendment offers us the chance, during a time of limited budgetary resources, to direct scarce Federal dollars to commercial-sized family farmers who are most dependent upon income supports.

In addition, the recourse marketing loan feature in this amendment is a way to further insure that our farm programs benefit family-sized farmers.

I'm going to let the members of the House in on a dirty little secret. Our present farm programs indirectly subsidize those producers who are the very cause of our present surplus problems—that is, the nonparticipants who plant fencerow-to-fencerow.

Any farmer will tell you that, historically, it is those farmers who have not participated in farm programs that have benefited the most. By planting every acre and indirectly benefiting from the market price floor—in effect, an artificial subsidy—that is created under the present nonrecourse farm law, there actually exists a perverse incentive for farmers to avoid supply management efforts.

Under the recourse marketing loan in this amendment, farmers who participate in the farm program will receive the same income protection as they receive under the present nonrecourse farm law. However, farmers who choose not to reduce their production and instead further exacerbate our severe oversupply situation will no longer be protected as they are under current law and the committee bill.

No longer can we afford to artificially prop up the returns received by farmers unwilling to contribute their fair share to resolving today's enormous supply and demand imbalance.

In addition, by permitting producers to repay their loans at the State average price when they redeem, the Government avoids the accumulation of costly and price-depressing surplus stocks while immediately improving farmers' export opportunities.

The essence of this amendment is that, by targeting deficiency payments and implementing a recourse marketing loan, we believe it is possible to more efficiently direct farm program benefits to the commercial-sized family farmer. The overriding question now before this body is: Will we in the Congress show the political will to reform Depression-era farm programs so that they might better meet the needs of American agriculture in the 1980's?

If we choose to continue with the same failed programs that have exacerbated the present crisis in agriculture, it will prove that we are so wedded to the familiarity of the past, that we are unwilling to risk any chances of success in the future.

In conclusion, this amendment is supported by the National Corn Growers Association, the National Grange, Interfaith Action for Economic Justice, and others.

Let's offer farmers a program that can work and offer hope. I urge my colleagues to support this amendment.

Mr. Chairman, I am sure as the debate continues on, on this concept, that we are going to hear in this House that the marketing loan will so reduce prices in the world market that we are going to cause severe impact and pain on Brazil, Argentina, on Mexico, on other countries, much as we heard arguments during the sugar program as to what that program would do to Central American economies.

Let me say that every farmer and every person in this country wants our friends from Argentina, Brazil, Mexico, and from the lesser developed countries to prosper and grow. But I do not think it that the farmers of this country have the responsibility to bear the burden of those economies on their backs as well as the burdens of our economy. Our farmers' backs are bent under the burdens they are carrying in this economy today.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. STANGELAND] has expired.

(By unanimous consent, Mr. STANGELAND was allowed to proceed for 1 additional minute.)

Mr. STANGELAND. To add to the burden they are carrying on this economy in this country the economies of those other countries who are having to earn money and earn cash to pay back to international bankers would be to break their backs, and I think we can ill afford that. I think it is time we stood up for American agriculture, that we pass a bill that not only preserves agriculture for today but gives opportunity for tomorrow.

Mr. GLICKMAN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, this is a complicated issue; and, to our colleagues who have not followed the intricacies of the commodity programs, I am going to try to, basically, tell you what the difference is between this bill and the base bill that we have got and these amendments, and I think these are important amendments. I want to compliment my colleague from Minnesota, my colleague from Kansas [Mr. ROBERTS], the gentleman from South Dakota [Mr. DASCHLE], the gentleman from Kansas [Mr. SLATTERY], the gentleman from Minnesota [Mr. PENNY], and a whole assortment of other people have indicated their interest in this concept.

Right now in the bill you get the same target price, or deficiency payment or subsidy payment, whatever you want to call it, up to $50,000, no matter how many bushels you produce. So if you produce 100,000 bushels of wheat, you will get the target price payment per bushel up to the $50,000 payment limitation and, as you go down from there, you will get the maximum allowable up to the $50,000 payment limitation. That is all you can get under the target price program. And then if you are a smaller farmer, of course, you get the same dollar, or so, per bushel, and so you will be under that payment limitation. That is, current law does not differentiate between big and small farmers at all. The only thing that keeps this a so-to-speak means-tested program is that there is a $50,000 cap that nobody

can get any more in target price payments for. We support that. I think that cap is fair and reasonable, and I think it ought to be left at those levels.

Now, what we are trying to do here is to say that we think that since this is basically a deficiency payment, a subsidy payment, that more of it ought to be more targeted to those farmers who are in trouble, small- and medium-size farmers, based upon this particular proposal, that is, targeting at a higher level for the first 15,000 bushels of wheat $4.50 a bushel and a lower level, anything afterward, $4 a bushel, we are able to get more target price money to smaller and medium size farmers. And, actually, 97.5 percent of the farms in this country do better or as good or better under this proposal than they do under the committee bill because most farmers would still be eligible for up to the maximum, $50,000. It is only the very large farms that will not get as much money under this proposal as they would under the committee bill.

So if you are interested in trying to target the effort to those farmers who really need help in this period of farm crisis, this amendment is more suited to that. It is not a radical effort. What we do in this bill is we pay $4.50 on the first 15,000 bushels, $4 on the next 15,000 bushels. That is not a lot different than the current bill of $4.38 on everything, but what it does is, it gets a higher target price to those smaller and medium-size farmers who are probably among the ones who are hurting more than it does the larger farmers.

Now, the next thing it does is, it creates a marketing loan, a recourse marketing loan. And, basically, what we are saying there, it is not too different from what the committee bill is, but only in this sense: The committee bill provides two options to get grain competitively priced. The one option, which is the Findley or Foley option is one that gives the Secretary the authority to lower the loan rate up to 20 percent if he wants to do that. The other option is a marketing loan. The marketing loan, basically, says that the farmer must repay that loan but he will repay it at the world price, which means, honestly, that the price will probably go to world levels immediately. But the farmer is protected in the interim, because the farmer gets his loan at whatever the level is, $3.14, and he repays it the world price, which might be $2.50. So the farmer does not lose any money in the process.

Now, some people will argue: Is this not a boon to large farmers? Some people will argue that this is going to get the price down too fast. The fact of the matter is, this is probably the only way we are going to get competitive in the world markets immediately. The committee bill will not do this. The committee bill will continue keeping our loan levels to the point where the Government will end up owning lots of grain. This amendment provides that the Government will not end up owning lots of grain.

The CHAIRMAN. The time of the gentleman from Kansas [Mr. GLICKMAN] has expired.

(By unanimous consent, Mr. GLICKMAN was allowed to proceed for 2 additional minutes.)

Mr. GLICKMAN. Nothing we do here on the floor is going to produce miracles for our farmers. Nothing we do is going to save some folks who are in such bad trouble they cannot be salvaged. But this amendment does do a couple of things as a matter of policy. It targets aid to those who really need it, it targets it to small and midsized producers. That not only is popular, particularly in urban constituencies in this country, but it is right.

It also ensures that most farmers, well over 95 percent, are not prejudiced by this targeting. Only the very largest farmers may get a little bit less than they do right now, and not that much less.

□ 1305

Finally, what it would do is to provide a situation where we can get the farmer competitive in the world markets and doing so in a way that shields him, that shields him for a lower market price.

So I would urge the Members to support this amendment knowing that it does represent a deviation from current farm policy. I am going to support this farm bill even if this amendment does not pass, but I want to tell the Members something: The current farm bill is really nothing more than an extension of current programs. This is the way it is written now with the exception of the Bedell amendment. This amendment makes some changes in the way we have done business, and a lot of people are scared of that because it reflects a difference in the way we provide for farm programs. I still happen to believe that it reflects a creative attempt to get dollars to those farmers who need it and to get us competitive in the world markets.

Mr. DORGAN of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman.

Mr. DORGAN of North Dakota. I thank the gentleman for yielding.

Mr. Chairman, I think one of the important points that needs to be made is that in most areas of the country, most of the farmers' production will be covered under this kind of a support price. Now, some people say well, is this not discriminating against the big versus the small and so on. The answer to that is "No." What we are saying is that there is only a certain amount of money. We are going to use it for a stronger support price, and when we run out of money, we have run out of money. That is kind of the approach we are trying to take initially with the targeting amendment.

I think the gentleman's amendment, although it does not go as far as the amendment I had, is a good start in targeting farm program benefits. I would certainly commend the gentleman for his amendment.

Mr. GLICKMAN. I thank the gentleman.

Mr. MARLENEE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, let us look at the bottom line of these targeting amendments that are being offered. I rise in opposition to this concept as being alien to our concept of supporting the hands-on family farmer.

Rather than promoting the family farmer, it seems to me that by this kind of legislation we are promoting the absentee landlords around this country. We are promoting the doctor, who owns 100 acres of land or a half-section of land. We are promoting the attorney who owns a half-section or a section of land. This is the most prevalent group that received less than 15,000 bushels as a crop share. We are saying, "Let us use our resources and give them more money than we are giving to the hands-on producers of this country, the people that need the help."

Of the 2.2 million farmers surveyed in the 1982 Census, 1 million of these people did not even consider themselves producers. When asked flat out: "Are you an agricultural producer?" They were carried on the Census forms as producers, but they said, "Hey, we are not farmers" when they were asked flat out. Now through this amendment we are targeting our precious resources, that should be going to the family farmer, that should be going to the hands-on producers, we are instead targeting it to some of these 1 million producers who said "Hey we are not farmers."

Also in that 1982 Census survey, farmers who had 100 acres or less were categorized 65 percent absentee landlords, and you want to target our resources to those people? To the doctors, the lawyers, the retired farmers who do not need the assistance? I think we are going about this all in the wrong way.

You know, the national wheat growers, the Montana wheat growers, any wheat-growing organization does not support this concept. They support the kind of commonsense legislation that was put together by TOM FOLEY and myself which attempts to help the hands-on producers. But instead, we have those here who are interested, interested once again, in seeing that we take it from those who have and give

it to those who have not. They are trying to set up class differentials in all segments, not only in social programs that we have, but let us set up differentials in agriculture so that the bigger farmers and the commercial farmers are discriminated against. I say that we have got to reject this targeting concept; that we have got to get back to farm programs that help the hands-on producers and help establish a price for those people so they can stay in business.

Mr. DORGAN of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. MARLENEE. I yield to the gentleman.

Mr. DORGAN of North Dakota. I thank the gentleman for yielding.

Mr. Chairman all I wanted to say is that all of us are concerned about a doctor or a lawyer that owns farm land and would collect price supports, but I think the gentleman uses an exception to try and demonstrate a rule.

The rule is out there that if you are in the Farm Program under these provisions you would, A, have to set aside 30 percent, you would have to idle 30 percent. Then you would, under these provisions, have a $4.50 target price for certain income or production. The rule is that would apply to most of the working farmers in my district, in yours, and in other districts around the country. The question is simply how do we want to spend our money? Do you want to spread it around so that everybody gets an inadequate price support or do you want to target it so that we provide a stronger price support and when we run out of money we say, sorry, but we are out of money, we want to spend it the best way we can to help the most family farmers in America.

Mr. MARLENEE. The given fact is that most producers, most hands-on producers rent agricultural land. They usually rent not one, but two, and three, and four. Four different parcels of land. They do it on a crop share. Most of those people, those four or five landlords get a crop share and they are the ones that get these targeted dollars. If you give these landlords a higher target price than you give the actual producer, it is terrible discrimination. The four or five landlords each get a higher target price yet the poor hands-on producer that farms the five tracts does not get a higher target on each of the five tracts but on only one 15,000-bushel increment. Looks like to me landlords could get a higher target on up to 75,000 bushels and never even visit the farm. The action in adopting this concept shows it 75,000 to 15,000 against the farmer.

AMENDMENT OFFERED BY MR. VOLKMER TO THE AMENDMENT OFFERED BY MR. STANGELAND AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. DORGAN OF NORTH DAKOTA

Mr. VOLKMER. Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. VOLKMER to the amendment offered by Mr. STANGELAND as a substitute for the amendment offered by Mr. DORGAN of North Dakota: Wherever it appears in the amendment, strike "15 acres" and insert in lieu thereof "10 acres".

Mr. Chairman, I would like first to inform the gentleman from Montana who previously spoke in the well that there are many hands-on farmers throughout this country and especially in Missouri and northern Missouri that the amendment of the gentleman from Minnesota would do a great deal of benefit for. These are farmers that are very diversified and they have 600-, 700-acre farms, some 800-acre farms, 400-acre farms, but they also produce soybeans, milo, corn, and wheat on all those farms. They sometimes even have cattle and pork production also. So it is very diversified. They are hands-on, family farmers. Under the Stangeland amendment they would be greatly benefited.

The amendment I am offering is for some of those farmers who have small wheat bases while they may have 200 acres of beans or 200 acres of corn in addition to that, have a small wheat base, and on the other hand, they may have a larger base of wheat, some of them, but have a smaller corn. I will offer the same amendment when we get to corn.

This amendment is not to just take care of hobby farmers but full-time, family farmers who have small bases. I have many of them in my district, and this is just to try to recognize the fact that these are not all hobby farmers. I will admit that many of them are. This amendment is to make sure that they, too, come within the purview of the Stangeland amendment which I strongly support.

Mr. STANGELAND. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman.

Mr. STANGELAND. I thank the gentleman.

Mr. Chairman, first of all, I think the gentleman's concern is adequately addressed in the Stenholm bases and yield provision of the bill. However, we have no objection to the amendment. I have no objection to the amendment.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman.

Mr. SMITH of Iowa. I thank the gentleman.

Mr. Chairman, there is another aspect to this proposal that I think is being more or less covered up by emphasizing targeting. That the amendment uses a statewide average price to determine the price at which the producer may buy back his commodity. In Missouri, the difference between the price of corn or wheat in northwest Missouri compared to the bootheel is 20 to 25 cents a bushel. It is a bad provision in this bill; using statewide averages. Some people—down in the bootheel, for example—could secure a loan under the program, get their loan money, and the next day sell it on the market for a quarter more in their area because the statewide average price is lower than the normal price in their area.

□ 1315

You cannot make a program work even as described that uses statewide averages. If we have such a program, it should use the backed-off price like ASCS uses for loan rates. It is not workable the way it is written.

Mr. VOLKMER. Mr. Chairman, if the gentleman will allow me to proceed, that has to be addressed in another part of the bill.

Mr. SMITH of Iowa. No, it is in this part of the bill. Your amendment is to the part of the bill that includes statewide averages.

Mr. VOLKMER. Yes, but not in this amendment. What we are trying to address is the targeting concept for targeting prices.

Mr. SMITH of Iowa. It also includes the marketing loans.

Mr. VOLKMER. Yes.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. VOLKMER] to the amendment offered by the gentleman from Minnesota [Mr. STANGELAND] as a substitute for the amendment offered by the gentleman from North Dakota [Mr. DORGAN].

The amendment to the amendment offered as a substitute for the amendment was agreed to.

Mr. FOLEY. Mr. Chairman, I move to strike the requisite number of words, and rise in opposition to the substitute offered by the gentleman from Minnesota [Mr. STANGELAND].

Mr. Chairman, I hope that the House will exercise the same good judgment it did last week by supporting the committee bill instead of attempting to rewrite on this floor what is an extremely complicated and difficult piece of legislation.

The particular substitute offered by the gentleman from Minnesota [Mr. STANGELAND], I believe, would have been subject to a point of order as to the germaneness of the section on the marketing loan, had anyone chosen to raise that objection. Additionally, it brings together two very disparate

ideas. The first of these is the so-called targeting concept, which is highly different from the original amendment offered by the gentleman from North Dakota [Mr. DORGAN].

The problem with targeting is that it will not help only small farmers, or the family farmer. What constitutes a family farm depends very much on where in the country you are located. In that regard, the original Dorgan amendment would limit the entire support of the Government's farm deficiency payments to 12,000 bushels of wheat. In some areas that is not a family farm economic unit at all; it is below it.

Further, there is nothing in either the Dorgan amendment or the substitute to prevent large farmers, very large farmers, from taking advantage of the higher prices for the first 12,000 or 15,000 bushels of wheat by planting it instead of some other commodity which they now plant in large amounts. There is not a single feature of this so-called targeting amendment that limits its application to small- or medium-sized farmers. A very large corn, cotton, or soybean farmer could decide to plant wheat in order to get the benefit of this higher level of targeting. Indeed we may see some rather uneconomic, though perhaps personally advantageous, decisions made by some farmers' to change their farming patterns in order to benefit from this payment rate.

Second, the marketing loan is a concept that I think was explored in great detail in the Agriculture Committee and was rejected. Simply stated, the marketing loan, says that you can take out a production loan from the Government for $x$ amount of money and then repay significantly less than the amount borrowed. Obviously that is a concept that has a great deal of appeal. I have no doubt we would all like to have similar opportunities in home mortgages and other loans to pass back to the Govenment whatever smaller share of the return of principle and interest the current price structure permits. I cannot quarrel with the motion that this is an innovative approach.

But let me say to those, like the gentleman from North Dakota and the gentleman from Kansas, who worry about these resources going to big producers that there is nothing in the marketing loan concept that prevents it from being taken advantage of by the larger producers in the country. Indeed it is exempt from the $50,000 payment limitation which exists in all other programs. As a consequence it is an extraordinary opportunity for the largest farmers to take part in a program where they take out loans, and then, if the price conditions justify it, they pay back something less.

Again the amendment moves entirely in a different direction than the gentleman in the well suggests. Practically speaking, it will, if anything, be a boon to larger producers.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, I thank the gentleman for yielding.

I have two things. No. 1, I want to say that the targeting in the substitute is not as draconian as the targeting in the Dorgan amendment.

Mr. FOLEY. I think I have made that clear.

Mr. GLICKMAN. It is $4.50 for the 15,000 bushels and $4 for anything thereafter. I seriously doubt whether people would make those kinds of judgments on what the gentleman is talking about, considering that the current target price is $4.38 a bushel right now. So we are just talking about a maximum targeting price that is 12 cents a bushel more.

Mr. FOLEY. Mr. Chairman, if the gentleman will just allow me to respond to that, it must be either one thing or the other. It either provides a big boon to the first 15,000 bushels of production or it does not. If it does not provide that much difference, then the gentleman's argument as to why it is necessary to help family farmers tends to weaken. If on the other hand, it does provide that big a difference, it will encourage production.

Mr. GLICKMAN. The gentleman is trying to create a greater distinction than I think is actually in the amendment. It is trying to provide some additional incentive for the first bushels of production, but it is not a gigantic additional incentive that would cause a person to change dramatically his farm operation.

Second of all, I would point out that later on in the bill, where we for the first time have a $250,000 limitation on nonrecourse loans, I intend to offer, if this amendment passes, that same kind of limitation on these loans. So the gentleman's argument about the giant farmer being eligible for these kinds of loans would not be accurate.

The CHAIRMAN. The time of the gentleman from Washington [Mr. FOLEY] has expired.

(By unanimous consent, Mr. FOLEY was allowed to proceed for 2 additional minutes.)

Mr. FOLEY. Mr. Chairman, I will say to the gentleman that it certainly is accurate as regards this substitute. However, whether it is advisable to try and limit production cooperation to farms other than large farms or not is a philosophical issue.

One of the problems we have had in our agricultural programs is that to some extent they have excluded some of the larger producers from having an incentive to participate and thus help control production. In any case, as offered now, there is no easy way to estimate the budget cost of a marketing loan because its only limit is the price at which the loan has to be repaid. Depending on where the prices go, it could involve a very large obligation of the Government just as it could involve a very large benefit to producers, regardless of size, in not having to pay back the full amount of their loans.

Also, I think the precedent that loans, as such, are not necessarily repaid to the Govenment, that there is a built-in forgiveness feature in the loan, is an awkward one to set.

Mr. MARLENEE. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Montana.

Mr. MARLENEE. Mr. Chairman, I would ask my chairman of the Subcommittee on Wheat, Soybeans, and Feed Grains, is it not true that in many of the agricultural areas where we have commercial producers, because of the cost, because of the low prices that they have been receiving, and because of efficiency, farmers have banded together in small companies, and would this not destroy that banding together of maybe three or four families who are trying to continue to farm? Would this not destroy that effort?

Mr. FOLEY. Mr. Chairman, if the gentleman will allow me to reclaim my time, I appreciate the gentleman's concept.

May I just make an additional comment before my time has expired? I have not been as severe about the effect of this amendment as I should be. I suggested that its only requirement was that 70 percent of the loan has to be repaid. I spoke in error, however. That is a provision in the other body. There is no restriction on these loans we are discussing. Wherever the price goes, that is the only obligation that the farmer has, and possibly the entire loan, technically 50 percent of it, or more, is subject to being forgiven. So I think the House had better consider how far it wants to go with this concept.

Mr. MARLENEE. Mr. Chairman, will the gentleman yield further?

Mr. FOLEY. I yield to the gentleman from Montana.

Mr. MARLENEE. Mr. Chairman, in analyzing the bill in subcommittee and again in full committee, on this concept that was offered as an amendment, was there not some concern about allowing this marketing loan concept, as you have so amply pointed out?

The CHAIRMAN. The time of the gentleman from Washington [Mr. FOLEY] has again expired.

(On request of Mr. MARLENEE, and by unanimous consent, Mr. FOLEY was al-

lowed to proceed for 2 additional minutes.)

Mr. MARLENEE. Mr. Chairman, will the gentleman yield further?

Mr. FOLEY. I yield to the gentleman from Montana.

Mr. MARLENEE. Mr. Chairman, was there no concern that when you allow absolutely no bottom, allow the price to go down and you pay back the loan at bottom, no matter where it goes down to, no matter what the market is, that means a great deal more budget exposure? Was there not a great deal of concern about that?

Mr. FOLEY. Yes, I think there is concern about the budget exposure. Second, it sends, I think, the wrong signal to farmers—that it removes them almost totally from any responsibility for production levels in the country because someone, theoretically, will protect them regardless of where the price goes.

Third, farmers would not have to worry that much collectively about getting the best price in the marketplace because theoretically the Government again becomes the guarantor through forgiveness of the loan.

Mr. MARLENEE. Mr. Chairman, the subcommittee chairman is exactly correct.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I want to ask the gentleman if this is so: One of the things we have loan programs for is to help spread the marketing out during the marketing year.

Mr. FOLEY. Yes.

Mr. SMITH of Iowa. Now, under this concept, the person who markets his grain right at harvest time, for example, gets the maximum amount of money that he is going to get from the Government, and he is penalized really for holding the grain another 6 months. He loses the storage, he ends up getting less or paying back more, because the statewide average price is going to be higher 6 months later into the marketing year.

Mr. GLICKMAN. Mr. Chairman, will the gentleman just yield on that point about the statewide average price? He has mentioned it twice. Will the gentleman yield for just one second to me?

Mr. FOLEY. I yield to the gentleman from Kansas.

Mr. GLICKMAN. It is the statewide average price as adjusted for each county in the State. That is in the bill. It is not in the amendment. That is in the bill, and I think that ought to be reflected in order to correct the record.

Mr. FOLEY. Mr. Chairman, on the gentleman's present point, I think he is right, that there is a tendency in this amendment to remove the normal judgments that farmers would have to make about appropriate orderly marketing of the crops because again the loan itself is repaid only at current prices.

Mr. SMITH of Iowa. So it really almost forces them, if they are not going to hold it until the end of the marketing season anyway and deliver it in lieu of the loan, it forces them to dump it right at harvest time.

Mr. FOLEY. Mr. Chairman, one of the things I want to say to the gentleman is that I do not know how farmers are going to react to this. It is a totally new concept.

Mr. ROBERTS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. STANGELAND. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. I yield to my friend and colleague, the coauthor of the amendment, the gentleman from Minnesota [Mr. STANGELAND].

Mr. STANGELAND. Mr. Chairman, I thank the gentleman for yielding.

I would just like to make a couple of points. First, the gentleman from Iowa expressed concern about the statewide price. This is found on page 68 under subsection (b) where that State price is adjusted to the county price. It is exactly the same as the way current loan levels are done.

Second, as far as evening out the marketing year, as far as the comments of the gentleman from Montana about the great costs are concerned, let me tell the Members that the price of wheat today is below the loan. Are the farmers marketing that wheat? Not if they can help it. They are holding it.

What are they doing with that wheat? They are forfeiting it to the Government, and there is cost of forfeiting that wheat to the Government. There is cost to the Government. We are paying the cost up front, putting that grain on the market and not putting it in Government storage.

We have had acreage reduction and other reduction programs for 3 of the last 5 years, and we have continually built up surpluses under the current program, and we will continue to build up surpluses unless we change the program. That is the key to this amendment. If we want to continue to build up surpluses, that is fine.

We talk about who this helps and who it supports. Let me tell the Members who it supports—87 percent of the wheat farmers in this country, better than 87 percent. And it does not support the higher 14 or 15 percent. But who has been adding to those surpluses? It is those large wheat farmers who have been protected at the $3.30 loan level while the market is about $3, and because they can cash-flow that $3 wheat, they plant fencerow to fencerow and they continue to build up those surpluses. That is the problem we have.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. Mr. Chairman, I have the time, and I will reclaim my time. I would like to make my general statement in behalf of the marketing loan, and then I would be happy to yield to my chairman if I get additional time for any point that he might like to make.

Mr. Chairman, I rise in support of this amendment. We have been discussing this farm program policy for better than 9 months now in the Committee on Agriculture, and we have been faced by a paradox of enormous irony—how to become market-competitive without marching an entire generation of farmers into bankruptcy.

This, I would inform my colleagues, is meant to be a little background as to how we got to the marketing loan. So how indeed do we accomplish that chore? Well, the Reagan administration, in its quest for a responsible farm policy, quotes almost daily from the free-market bible. In order to be able to compete, we must try to regain our place as a viable exporter of agricultural commodities. So when one loses one's comparative advantage due to embargoes, high deficits, the value of the dollar, unfair trading practices by our competition, foreign subsidies, and even worldwide weather patterns, we cannot be in the business of raising our support prices and compounding the felony. That is how the argument goes, and that is right as far as it goes, except for the fact that Uncle Sam has repeatedly sent the farmer out to do battle with one hand tied behind him.

We embargoed his product under the banner of foreign policy. We put him at the bottom of the high-deficit, strong-dollar export barrel. We gave his competitors foreign assistance. We passed a budget that increases defense spending and Social Security and all the rest of our entitlement programs, but the farmer has to take less than last year.

□ 1330

Now what about the other alternatives that we are hearing on the floor? Why not put all of our eggs in a basket called mandatory supply management? Under these programs we have several mandatory horses that are coming out of the chute, one even called voluntary-mandatory. We do not send the farmer into the free market boxing ring. We declare the free market null and void. We more or less let him choose whether or not to farm under Government determined price, a marketing quota and also a set-aside.

So what is the alternative? If it is not mandatory supply management, if it is not the free market, what is the alternative? I submit to you it is something called a marketing loan.

So to the administration I say there is no free market and your policy recommendations mean more of the same, misery and adversity in farm country.

To my colleagues who honestly believe they can shut down one-half of American agriculture at the expense of the other half and mandate a price to boot, well I respect your intentions, but there is one other commodity involved and that is called individual freedom, not to mention a host of long-term management and policy problems.

So what is the marketing loan? I would tell my colleagues there is a chart that I used in my 58—county tour when I traveled the big First District back in August. That is the district, by the way, that produces more wheat than any State in this Union. If you follow that chart where we get supposedly market competitive under the committee bill that has been explained so eloquently by my chairman, you rachet down those loan rates, and sooner or later, by 1990, you become market competitive with, say, Argentina. And if you look at the price at the county elevator, that price would go to about $2.10. At the gulf, it would be about $2.60. We will be competitive all right. There will not be anybody out there to compete. That is nothing but slow death, or what I call Death Valley Days.

The CHAIRMAN. The time of the gentleman from Kansas [Mr. ROBERTS] has expired.

(By unanimous consent, Mr. ROBERTS was allowed to proceed for 2 additional minutes.)

Mr. ROBERTS. So how do we compete? How do we become market competitive and still save that generation of farmers, not march them off of a cliff?

Well, the marketing loan is the best answer. With the marketing loan the price goes to the world level and you compete, you move the grain in that commercial pipeline. You do not store it. You do not pay that USDA estimated $1.6 billion that taxpayers are going to have to pay. The farmer has to pay back that market price and then he is covered from that amount on up to the loan, and then he gets his target price deficiency payment as well.

The primary value of the marketing loan is that it does not ask the farmer to bear the full burden of becoming market competitive, especially when he has had no control over the forces that have led to the price and cash flow and credit prices we are experiencing.

It is budget conscious. It does fit under budget according to CBO, if you still believe CBO in this budget. And a special word for all my colleagues who want Uncle Sam to get tough on trade.

Do you want a level playing field for American farmers? Does the slogan "Buy American or Bye, Bye" appear in each and every paragraph of your speeches back home? This is your program. Under the marketing loan we will match our competitors dollar for dollar in terms of support for our farmers to win back export market shares. No more of this business of our competitors trying to produce more than we ask our farmers to set aside.

I would say to my chairman, the honorable gentleman from Washington [Mr. FOLEY], yes, this is an odd couple. We are mixing some targeting and we are mixing the marketing loan, but it is a marriage of convenience because we come under budget. And I share your concern about targeting. I have big farmers just as well. But let me point out that under current law, the wheat base, when you hit the $50,000 payment limitation is 1,440 acres. Under the committee bill, it increases to 1,650 acres, and under the Strangeland and Roberts and Glickman and Daschle and Dorgan plan, it is 1,765 acres. It is a wash. Targeting is a means to get the marketing loan under budget, and the marketing loan, as far as I am concerned, is the only way that we will get there from here.

The CHAIRMAN. The time of the gentleman from Kansas [Mr. ROBERTS] has again expired.

(At the request of Mr. COLEMAN of Missouri, and by unanimous consent, Mr. ROBERTS, was allowed to proceed for 2 additional minutes.)

Mr. COLEMAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from Missouri.

Mr. COLEMAN of Missouri. First of all, let me say that I support the gentleman's proposal. The gentleman from Minnesota and the gentleman from Kansas have been the leaders in this effort.

There was some discussion about the fact that this was voted down in the committee. Let the record show that it was by the narrowest of margins that this amendment failed—I think it was one or two votes—in the full committee, and that it was agreed to as a discretionary item in the regular commodities section. So I do not think this thing has already been decided. It is going to be decided right here on the floor. It was a very close vote and it ought to be reexamined.

I think one of the good features about the proposal is that it is something different from the present program. And let us not forget that that is really what we are talking about. We are not really talking about this being a substitute for the gentleman from North Dakota's amendment, but to the commodities section which is simply an extension of the present program that nobody likes. That is the real question. When we vote on this amendment, we are voting to change the present system. This is the only new initiative that we have in the commodities section. It is one that ought to be tried. The feature of targeting I think strengthens it, because it is those farms between $40,000 and $240,000 in total annual sales that are the ones under the most severe stress, not the big producers that somebody has been worried about here on the floor somehow taking advantage of this system. Less than 3 percent of them are under financial stress. But well over half of the smaller producers and mid-size farmers, people who look to their farm as their income source and not off farm income, those are the people this marketing loan concept will help.

So I support the concept. It is a new initiative. It is different from the present program that everybody admits ought to be changed. That is what we ought to be talking about, is this one versus the one that is in the bill now.

I appreciate the gentleman yielding.

Mr. ROBERTS. I thank my colleague for his contribution.

The CHAIRMAN. The time of the gentleman from Kansas [Mr. ROBERTS] has again expired.

(At the request of Mr. DASCHLE, and by unanimous consent, Mr. ROBERTS was allowed to proceed for 3 additional minutes.)

Mr. ROBERTS. I thank my friend and colleague.

I want to make just a couple of very quick points. The gentleman from Washington indicates that we are going to have a lot of people moving out of one crop into another if this amendment passes. In the bases and yields section of the bill that was introduced by Mr. STENHOLM and myself, you can only do that to the extent of 20 percent. So there is a limit in that regard.

Now, what is not being said in this whole argument is what we do in the committee bill. Everybody knows that we have to lower that loan rate to become "market competitive." How do you do it? In the committee bill we give that discretion to the Secretary. You know the TV ad, "Let Mikey eat it. He will eat anything." Let the Secretary do it. We hand that job to the Secretary. Now if he does lower the loan rate, we can blame him for it if you are disposed in that way. If he does not, obviously we do not become market competitive. But if he does lower that loan rate, it goes from approximately $3.30 down to $2.47, the same kind of exposure with the marketing loan, only we don't say it, we do

it. We come up front. This is a come-clean effort. If in fact we are going to get market competitive, let us do it, let us get there from here. Let us do not go through that valley of death for 5 more years with the kind of adversity that we are facing in farm country.

I appreciate the gentleman seeking more time on behalf of this amendment.

Mr. ENGLISH. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

I think there are a couple of points that we all ought to take a hard look at. The one thing that I have heard from my farmers, and quite frankly I have heard from virtually every member of the House Agriculture Committee, is that the wheat and feed grains section of the farm bill just has not been working. The point that my farmers have made time and time again over the past year is that we need a change, we need something different, we want to take a different approach. What we have been doing has not been working.

Well, I have to say that this particular section of the bill is pretty much the same old approach. There is some difference, but it is not something that I think my farmers are going to be very enthusiastic about, because it simply rachets down the price year after year if the Secretary feels that is necessary in order to be competitive in the world market. In effect what that does is that the U.S. Government is calling the farmers, "We want to use your bank account. We want to use your wallet. We want to make certain that prices go down."

I think that what we have to recognize is that there are two ways of becoming competitive. It is a question of whether we are going to set a new lower price for the rest of the world to undercut, and that is what other countries have been doing. Other farmers, for instance the French farmers, are subsidized so that their wheat prices are much higher than here in America. I have heard reports that those wheat prices are over $5 a bushel. My wheat farmers in Oklahoma are paid less than $2.75. But that French wheat is getting sold because the French Government has made the commitment that they will make up the difference. They are in fact making certain that those French wheat prices are below whatever the United States farmer is selling his wheat for.

Many of us have had people from other governments who have come to us and told us that, "They really do not care what level we are selling our commodities, our wheat, they are going to undercut us a nickel. It comes out of their government's treasury. They feel that it is important that they keep their farmers on the farm."

I do not think that we should give those nations comfort. I do not think that we should tell them in advance what the U.S. minimum price is going to be, what the new floor is as far as the U.S. markets. Let them guess.

I think the only way that we can do that is to establish a method similar to the marketing loan so that the determination of what the world price will be is determined by the market. It is not going to be determined by the U.S. Government. And we are also assured that the American family farmer will not be bearing the entire burden.

So regardless of how you want to become competitive in the world market, I think we have to recognize that it is the U.S. Government that must step forward and stand shoulder to shoulder with the American farmer. Without question, the American farmer each time he steps beyond the boundaries of our shores has been getting mugged. After all, the American family farmer is the only farmer of a major exporting country in this world that goes out and has to compete in the world market, to compete against foreign governments.

So I would suggest to you that if you want to do something different, if you want a change, if you want to make certain that our competitors have guess for themselves what the new market price is going to be, then this approach is the way to go. It certainly is going to give the farmers an opportunity to vote either for this proposal or the Bedell proposal, a definite change in American agriculture.

I would also say that it is going to give us a chance to be competitive in the world market. It is going to give us a chance to provide some optimism for the American farmer—some light at the end of the tunnel.

Mr. MADIGAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, if we could consider the marketing loan concept by itself, there might be a different sentiment reflected on the part of some Members of the House of Representatives. But because we are obliged to consider marketing loan and targeting together, some of us who might be sympathetic to at least giving the marketing loan concept some opportunity to be tried have to be against it.

In my case, there is a very simple reason why I have to be against it. The average corn farmer in Illinois under what is being proposed here would lose $3,300 a year in cash. A farmer with a 500-acre corn base would lose $3,300 a year in cash. He is going to lose money. That is not a big farm; that is an average farm in Illinois today. This is going to cause him to lose money. He has to make up that money somehow. They do not grow wheat now. But you have a provision in what we are looking at now, and the corn thing is to follow what we are looking at now, you have a provision that says on the initial production of wheat, he is going to get a lot of money, and a provision in the bill that says he can switch 20 percent of his base to wheat. So to make up that $3,300 that he would lose under your next proposal, the next one to be offered on corn that will be the same as this one on wheat, to make up what he would lose on corn he is going to switch 100 acres into wheat and get in on this very rich program that you have for the initial targeting on wheat.

Now you have never seen wheat until you have seen the amount of wheat that can be produced on some of that very fertile corn land in the Midwest where they do not grow wheat now. If you think you have a surplus problem, you have not got any surplus problem at all compared to what we will have when everybody with 500 acres of corn concerned with losing $3,300 in cash decides to put 100 acres into wheat to get in on this thing you are advocating here. That is possible.

It is the next amendment. I am explaining to you why I am against the next amendment that would do to corn what this amendment does to wheat, and I am explaining to you the impact that that would have on the total production of wheat in this country, which serves only to make the whole problem, the whole surplus problem, much worse that it is right now, and clearly should illustrate to everybody why this was rejected in the committee and why the gentleman from Washington [Mr. FOLEY], the chairman of the subcommittee, and the gentleman from Montana [Mr. MARLENEE], the ranking member of the subcommittee, who represent wheat growers almost exclusively I believe, are against this proposition.

□ 1345

Mr. MARLENEE. Mr. Chairman, will the gentleman yield?

Mr. MADIGAN. I would yield to the gentleman from Montana.

Mr. MARLENEE. I thank the gentleman for yielding.

Mr. Chairman, in addition, I would ask the ranking member of the full committee if the Farm Bureau supports this proposition?

Mr. MADIGAN. My understanding is that the American Farm Bureau does not support this idea.

Mr. MARLENEE. The wheat growers?

Mr. MADIGAN. The wheat growers do not support this idea. I am at a loss to say, other than perhaps the American agriculture movement, at a loss to name any organization that does support it.

Mr. MARLENEE. Mr. Chairman, will the gentleman yield further?

Mr. MADIGAN. I would be happy to yield to the gentleman from Montana.

Mr. MARLENEE. I thank the gentleman for yielding further.

Does the present committee bill protect farm income throughout the life of the bill?

Mr. MADIGAN. It maintains target prices at their current level throughout the life of the bill, and in addition to that, establishes the conservation reserve program of 25 million acres, which would take out of production, totally out of production, for a 10-year period of time 25 million acres presently in production.

Mr. MARLENEE. Mr. Chairman, would the gentleman yield for one more question?

Mr. MADIGAN. I would be happy to yield to the gentleman from Montana.

Mr. MARLENEE. I thank the gentleman for yielding.

Mr. Chairman, much has been made, I would say to the ranking member, of the fact that we need to take a new direction; that this farm bill that we have crafted carefully in committee does not take a new direction.

Does not the present committee bill protect farm income and yet allow the grain—and this is the big point—allow the grain price to fluctuate downward to loan price so that it becomes market clearing and competitive on the world market, and is that not a new direction in farm policy?

Mr. MADIGAN. My understanding is that under the Foley-Marlenee provision agreed to by the full Committee on Agriculture, the loan rate would be allowed to go down 5 percent a year, with a snapback provision, and further would be allowed to go down, at the Secretary's discretion, on the order of what we call the old Finley amendment.

The CHAIRMAN pro tempore (Mr. BOLAND). The time of the gentleman from Illinois [Mr. MADIGAN] has expired.

(By unanimous consent, Mr. MADIGAN was allowed to proceed for 3 additional minutes.)

Mr. MARLENEE. Mr. Chairman, will the gentleman yield further?

Mr. MADIGAN. I yield to the gentleman from Montana.

Mr. MARLENEE. I thank the gentleman for yielding.

Yes, it is true that the chairman of the Wheat Subcommittee, the ranking member of the Wheat Subcommittee, and the ranking member of the committee absolutely are opposed to the amendments that are being offered at this time and support the Foley-Marlenee provision.

Mr. ROBERT F. SMITH. Mr. Chairman, will the gentleman yield?

Mr. MADIGAN. I yield to the gentleman from Oregon.

Mr. ROBERT F. SMITH. I thank the gentleman for yielding.

Mr. Chairman, I just want to emphasize the point that is being made here. If you believe that a target price of $4.38 during the last 4 years of the previous farm bill has not accumulated surpluses, then how can you say that a higher target price will not accumulate more surpluses?

The point being made here, I think, is that if we are looking at the total farm picture here in this country, we recognize that Government programs have dictated surpluses which have not only injured the taxpayer, but have injured the farmer throughout the existence of the farm bill. The committee structure recognized that, and it does something about it, and also brings us competitive in world prices.

The other point, I want to emphasize is simply that even though there is cross-compliance, if you have targeted wheat prices at this level, everybody in America will grow 15,000 acres of wheat, everybody. There are parts of this country where we can grow nothing but wheat; we have no alternatives. We have none. We cannot grow corn. We cannot grow soybeans. We cannot grow rice and cotton. We have one crop only. That is wheat.

What has been done in the past 4 years, the wheat production in this country has shifted. We are going to shift it again, this time to everybody with 15,000 acres, and I suggest that is social meddling. I suggest, again, the Government is trying to dictate how large farms ought to be, whether or not they ought to be family farms or something else, and I suggest this divides the country. This amendment divides the country into sections, and I think the committee bill does not do that. It recognizes that there are various parts of this country with needs and, therefore, I oppose the Glickman amendment to the Dorgan amendment.

Mr. DASCHLE. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, several things have been said in the last 5 minutes that need rebuttal.

The gentleman from Illinois made mention of the fact that the majority of Illinois corn farmers would be adversely affected. According to the statistics of the Department of Agriculture, 98 percent of all farmers in Illinois who grow corn would be favorably affected by this amendment. Those are not my figures. Those are Department of Agriculture statistics.

We are only dealing with wheat here, I might add, but nonetheless, I think it is extremely important that everyone realizes that when we are talking about benefiting the vast number of farmers today, this amendment would do so in ways that no other version of the bill can provide. In fact, according to the Department of Agriculture 97.5 percent of wheat farmers and 98.1 percent of corn farmers would actually do better under this amendment than they would under the committee print. That point needs to be made first and foremost.

Second, it has been argued that this is a new concept. When it relates to agriculture, obviously this is a new proposal. But it is a proposal that is no different than progressive income tax or means tests which have been part of law for years. In addition, it attempts to change what we have had in policy over the last 20 years. Something that cannot be denied. The big have clearly gotten bigger at the cost of Government.

The last bushel of wheat produced by each farmer is not as important as the first bushel of wheat when it comes to the Government. Clearly it is in the Government's interest to put some emphasis on a certain amount of production by farmers, by producers, and to discourage additional production in the bill itself.

That is what we are trying to do here. To say that there is a law of diminishing returns, and at long last it is time that farm policy recognize that fact. We cannot, at the expense of Government, help the big get bigger.

There is one other point that I think must be made. Our producers in agriculture benefit from the direct subsidy. But there is a subsidy that we have not talked about on the floor at this point yet which I think is extremely important. That subsidy is found in the tax law.

Under tax law, the bigger you are, the more you benefit from the direct tax expenditures that are provided to large producers. As we try to phase out part of their direct subsidy, they will continue to have that additional amount of subsidization that comes from the tax law.

The last thing that I think is extremely important to reemphasize is the point mentioned by the gentleman from Oregon regarding the cross-compliance. The bill has a loophole that I think is extremely detrimental. As we try to put some tight constraints on supply control, there is nothing in the bill today that prevents a farmer from planting wheat where he once planted corn, and for planting corn where he once planted wheat. There is no provision on cross-compliance in the bill.

It is extremely important that if we are serious about bringing down the supply of both corn and wheat that we implement a cross-compliance feature, and this is the only amendment that addresses that effectively.

So for those reasons, progressivity, cross-compliance, the need to insure that we do not put the same value on a final product of wheat that we do on the first bushel of wheat, and the as-

surance that we all have that, according to the statistics of the Department of Agriculture itself, 98 percent of the farmers do better, I do not see that we can do any better than to pass this amendment on the floor this afternoon.

Mr. STANGELAND. Mr. Chairman, will the gentleman yield?

Mr. DASCHLE. I yield to the gentleman from Minnesota.

Mr. STANGELAND. I thank the gentleman for yielding.

Mr. Chairman, I just want to clarify a couple of misconceptions that I think are misconceptions as well.

First of all, it has been said that there is going to be a tremendous shift in production of wheat on corn land. We are offering 12 cents a bushel more on 15,000 bushels of wheat than the committee print does, and I cannot believe that there is going to be a vast exodus of corn acres to wheat acres for that 12 cents a bushel for those 15,000 acres. That is No. 1.

No. 2: It was alleged by the gentleman from Montana [Mr. MARLENEE] that we were lowering the price support level over the life of this bill. Yes, we are, but so does the committee print. We lower our price support identical to what Foley-Marlenee does, and the committee.

So do not be misled that we are going to reduce the price more than the committee print does on that price support level.

The CHAIRMAN. The time of the gentleman from South Dakota [Mr. DASCHLE] has expired.

(On request of Mr. ENGLISH and by unanimous consent, Mr. DASCHLE was allowed to proceed for 2 additional minutes.)

Mr. STANGELAND. If the gentleman will yield further, we are asking our farmers to be price competitive, and our farmers are in an economic situation not of their making.

First of all, they did not ask for the embargo of 1980. They did not ask for the high inflation rates of the late 1970's and early 1980's. They did not ask for the high interest rates. They did not ask for the strong dollar.

□ 1355

They are victims of an economy over which they have no control. And if they expect to be market competitive in the world market, and we expect our farmers to take that hit, we are going to see wholesale bankruptcies in agriculture.

So the market loan lets the Government take the hit, allows the Government to stand behind our farmers like foreign governments stand behind their farmers.

I thank the gentleman for yielding.

Mr. DORGAN of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. DASCHLE. I yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. I thank the gentleman for yielding.

I wanted to point out that this is not a hastily drawn proposal. As people will note, there are Members on both sides of the political aisle who have stood up and said we would like to do something a little different. The point is that there are some who say let us keep doing what we are doing.

Does anybody here think that what we are doing is working? It is not. Prices are going down. Farmers are going broke. The cost of the programs are going up.

So people on this floor are saying, from both sides of the political aisle, let us try something different. Let us try a marketing loan concept. Let us try targeting. Let us see if we can turn this thing around.

That is what this debate is about. Some people would say, well, if we cannot provide the higher support price for the 2 or 3 percent of the producers in the country, most of whom are the largest corporate agrifactories in the country, then we do not want to try this new approach.

We cannot always do everything for everybody. We do not have the money. But we can do the right thing for the right people, and it seems to me as a matter of public policy that the right approach is to try and preserve the network of family farms in America. That is all we are trying to do.

To do that, we cannot continue doing what we have been doing because it has not been working. We have to try something different. That is what Republicans and Democrats who support this approach on the floor today are saying. Let us try something different because maybe there is a chance that it will work. Maybe there will be a brighter day for family farmers if we do it.

The CHAIRMAN. The time of the gentleman from South Dakota [Mr. DASCHLE] has again expired.

(On request of Mr. ENGLISH, and by unanimous consent, Mr. DASCHLE was allowed to proceed for 2 additional minutes.)

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. DASCHLE. I yield to the gentleman from Oklahoma.

Mr. ENGLISH. Mr. Chairman, I would like to follow up I believe on the statement that was made that somehow this bill was going to provide, or this amendment is going to provide additional incentives for people to go out and expand their production, and expand generally speaking.

I simply do not understand how in the world there is any logic in that particular kind of argument. What we are talking about here is providing an incentive for people to reduce their production, not increase their production, but to reduce it. The question is how many people are going to participate in this program.

I think this measure offers an opportunity to increase the number of farmers who will actually participate in reducing their production and, therefore, bringing supply and demand into balance and, therefore, reducing the overall cost and offering farmers some hope that we are going to see better prices in the future. That is a very important point.

Second, with regard to those who say we are simply going to have a lot of other commodities that are going to switch over and start growing wheat or something else, the Stenholm provision of the farm bill would still remain in effect. Anybody that goes out and switches their crop, then only 20 percent of that, for instance, if it were wheat, would be eligible for the program, only 20 percent if they are going to be able to participate. That means 80 percent would not be covered by the program. I do not know of anyone who is willing to take that kind of risk. It would be a very great risk indeed.

Third, I think again there is a very bottom-line important issue to consider. Do we really want to adopt a policy of going out and driving down market prices in agriculture at this time? That is the real issue. Do we want to drive down market prices? That is what the bill provides for. It allows the Secretary of Agriculture to drive down by reducing the loan rate and saying here is where the U.S. price was at X. Now we are going to reduce it down here X minus 30 or whatever the number might happen to be.

That means they are going to have lower prices. I thank the gentleman for yielding.

Mr. STANGELAND. Mr. Chairman, will the gentleman yield?

Mr. DASCHLE. I yield to the gentleman from Minnesota.

Mr. STANGELAND. Mr. Chairman, I ask unanimous consent to have technical changes made in the Stangeland-Glickman substitute to correct improper page and line references and delete lines that were inadvertently repeated. I send to the desk a copy of the amendment with the changes marked in ink.

The CHAIRMAN. The Clerk will report the modifications.

The Clerk read as follows:

Mr. STANGELAND asked unanimous consent to have technical changes made in the Glickman-Stangeland substitute to correct improper page and line references and delete lines that inadvertently were repeated, as follows:

Mr. STANGELAND [during the reading]. Mr. Chairman, I ask unanimous consent that the technical changes be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

Mr. HUCKABY. Mr. Chairman, reserving the right to object, could the gentleman tell us what section of the bill this refers to?

Mr. STANGELAND. Mr. Chairman, will the gentleman yield?

Mr. HUCKABY. I yield to the gentleman from Minnesota.

Mr. STANGELAND. Mr. Chairman, this only has to do with this amendment, I respond to my good friend. It is just this amendment.

Mr. HUCKABY. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The text of the amendment, as modified and as amended, is as follows:

Amendment, as modified and as amended, offered by Mr. STANGELAND as a substitute for the amendment offered by Mr. DORGAN of North Dakota: Strike the amendment to page 70 in the Glickman (Dorgan as printed in the RECORD) amendment and insert in lieu thereof the following:

(a) On page 69, line 5 before the "." inserting the following: ", except that the Secretary shall not make available payments under this paragraph to any producer with a wheat acreage base of less than 10 acres for the crop.";

"(b) On page 70, after line 18 striking all through page 71, line 18 and inserting in lieu thereof the following:

"(C) For each crop of wheat, the established price shall not be less than the following levels for each farm:

"(i) $4.50 per bushel for any portion of the crop produced on each farm that does not exceed fifteen thousand bushels, and

"(ii) $4.00 per bushel for any portion of the crop produced on each farm that exceeds fifteen thousand bushels."; and

Title IV of H.R. 2100 is amended by—

(a) on page 65, after line 15, striking all through "shall" on line 18 and inserting in lieu thereof the following—

"(2) If the Secretary determines that the availability of nonrecourse loans and purchases will not have an adverse effect on the program provided for in paragraph (3), the Secretary may";

(b) on page 67, line 12, striking "The Secretary may" and inserting in lieu thereof the following—

"(3)(A) Unless the Secretary, at the Secretary's discretion, makes available nonrecourse loans and purchases to producers under paragraph (2) for a crop of wheat, the Secretary shall";

(c) on page 68, after line 25, inserting the following new paragraph—

"(4)(A) The Secretary may, for each of the 1986 through 1989 crops of wheat, make payments available to producers who, although eligible to obtain a loan or purchase agreement under paragraph (3), agree to forgo obtaining such loan or agreement in return for such payments.

"(B)(i) A payment under this paragraph shall be computed by multiplying—

"(I) the loan payment rate; by

"(II) the quantity of wheat the producer is eligible to place under loan.

"(ii) For purposes of this paragraph, the quantity of wheat eligible to be placed under loan may not exceed the produce obtained by multiplying—

"(I) the individual farm program acreage for the crop; by

"(II) the farm program payment yield established for the farm.

"(C) For purposes of this paragraph, the loan payment rate shall be the amount by which—

"(i) the loan level determined for such crop under paragraph (3); exceeds

"(ii) the level at which a loan may be repaid under paragraph (3)(B).

"(D) Any payments under this paragraph shall not be included in the payments subject to limitations under the provisions of section 1011 of the Food Security Act of 1985."

(d) on page 86, line 19, striking "may not" and inserting in lieu thereof "shall";

(e) on page 86, line 22, striking "may" and inserting in lieu thereof "shall".

The CHAIRMAN. The time of the gentleman from South Dakota [Mr. DASCHLE] has again expired.

(By unanimous consent, Mr. DASCHLE was allowed to proceed for 2 additional minutes.)

Mr. MARLENEE. Mr. Chairman, will the gentleman yield?

Mr. DASCHLE. I yield to the gentleman from Montana.

Mr. MARLENEE. Mr. Chairman, there seems to be some inconsistency, and I would like to ask the gentleman about this. The gentleman from Oklahoma [Mr. ENGLISH] said he thinks the policy is wrong that we take down the price, the market price of grain, and yet we heard the gentleman from Minnesota [Mr. STANGELAND], one of the authors of the legislation, say that it does exactly as the committee print does. I would like to have that corrected for the record, if you would.

Does not this amendment take the price down also as the gentleman from Minnesota [Mr. STANGELAND] said?

Mr. DASCHLE. Mr. Chairman, I reclaim my time, and since the gentleman from Oklahoma [Mr. ENGLISH] made that statement, I will allow him to rebut that if he would be brief.

Mr. ENGLISH. I would be delighted to.

I think the point is the question of whether we are going to set a new low price, or whether or not the United States is going to be competitive in the world market. That is the real issue.

What the bill does today under the provision that you offered, it drives it down. It says, Mr. Secretary, the price is too high at $3.30 a bushel, so we are going to let you set it at $2.50 a bushel.

That now is setting it as far as the new minimum loan rate, and it tells the rest of the world that if you want to sell below that new minimum loan rate, or the new minimum U.S. price, all you have to do is sell at $2.45.

I think we ought to keep some suspense in here if we are going to keep in the world market. Let us keep them guessing. Why should we set a new minimum low price, and this provision take care of that.

Mr. DASCHLE. Let me reiterate in the little time that I have left to those watching the debate who are unclear about the ramifications of this amendment and what we are trying to do. First, we are trying to prevent the big from getting bigger at government expense. Second, we are trying to provide an opportunity for farmers to develop market orientation in this legislation. Third, we recognize that what has happened over the last 4 years has not been good for agriculture, that we are suffering a very severe crisis in farm credit and farm production, and clearly we have to do something different if we are going to bring ourselves out of the crisis we are in. And fourth, we can do it with less budget.

I do not think one can do any better than what this amendment is trying to do at any less cost to the Government. I believe that it certainly warrants the support of this House, and I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, I take this time to advise my colleagues that we have a very difficult situation, as well as you can see from the debate here by the members of our committee.

But I have a responsibility, and I think we have a responsibility, to realize that this is a national problem, that the plight of rural America and the American farmer is a national problem that encompasses all regions, States—and every producer is impacted.

I want to remind my colleagues that this legislation is not a panacea, but it was very carefully debated and crafted. I have the responsibility to state to you that there are many areas of agriculture that are not impacted by this legislation. The fruit and vegetable industry, for example, is very important in my area. The only thing they get basically from the Government is harassment. If their crop fails, they get no assistance from Government. There is no loan. There is no target price.

We have to weigh that. It is not a single issue for a single area. You need to stick with the committee version because that was the sense of a majority of the members as to how we should proceed.

For example, somehow there is a concept that the family farm is ma and pa and the kids, and two hogs, and a few chickens and a cow. But let me tell you that went a long time ago.

So when you say you support the family farm, you must realize that a family farmer may own 100,000 acres. In some areas, this would be a big producer, but maybe not in another State,

maybe not in another region. But we are talking about the future of all American agriculture.

I will remind you that we could conceivably become an import-dependent Nation and we do not want this, especially in agriculture.

What farmers need is a price, not targeting. They need a price for their crop, and that is what we have to see that we do.

The current farm program is not working as well as we wanted it to, but other things disrupted it: the high value of the dollar, abnormal weather conditions, the high interest rates. If a farmer had a price for his crop, then he could make loan payments that are due, and this money is so very important to the community where he lives.

Now, under this marketing loan concept, you will be letting the rest of the world set the price. Yes; I would agree that where we set the loan has a tendency to set world prices also. But under this marketing loan concept, we would lose complete control. The farmer will sell his product at whatever low price is available and know the Government will still pay him a good price. This is bad policy.

And who is going to set the price? Our competitors. The price can be set every day. Our competitors around the world are going to look at our loan rate, and that is where they are setting their price? Not so.

If you turn it loose, they will set their price daily and our farmers will have no alternative but to sell. We will lose control of our input, as minimal as it might be, as to what the world price is going to be.

The CHAIRMAN. The time of the gentleman from Texas [Mr. DE LA GARZA] has expired.

(By unanimous consent, Mr. DE LA GARZA was allowed to proceed for 3 additional minutes.)

Mr. DE LA GARZA. I also want to leave you with this thought: We do not know about this marketing loan. It is untried. It has not been utilized. We do not know if it will work.

The patient is too ill now to gamble. We have to stabilize his condition. I know of no better way to explain this than the time that I had an ailment called diverticulitis, and I had an attack, and they took me to the hospital. They said I was going to die. And the doctors had to then make the decision, do we do surgery or do we try to stabilize him?

Well, if they were to do surgery, then they read me the list of possible complications, and they left me to make the decision. There was no way that I was going to have surgery. They said they could try and stabilize my condition. But for a while, I thought, well, maybe if I am going to die anyway, it might as well be now.

But I decided against it because of the instinctive reaction of the body. So they stabilized my condition. Three months later, I went and had the surgery and everything worked out fine.

And that is where we are now, if you will pardon me for using my own personal experience. It is now too risky to gamble. We do not know what the other nations are going to do. We do not know what other countries are going to do. And I tell you that we cannot lose control of influencing the price.

□ 1410

Under the amendment, we would give charity to a few small farms under helping the family farmer. But now is not the time to do that and I assure you that in my congressional district, the bulk are small and they are family farmers, but there is a tendency to say that the big should not participate in the American dream; that the big should not participate in the program, that only the small should participate. We call it a family farm to rationalize our concept that to us, philosophically, "big is bad."

We need to pass a bill that encompasses all American agriculture. We cannot put the big off on the side; we cannot let the little one fall by the wayside. This committee bill may not help all of them out there, but we have to to stabilize the farm economy as best we can.

This is what the committee came up with. Yet, this amendment is a novel concept; it has not been tested. We cannot risk testing this concept now.

(By unanimous consent, Mr. DE LA GARZA was allowed to proceed for 1 additional minute.)

Mr. DE LA GARZA. The Committee started with the premise to not drastically reduce the farmers' income and then see how we can sustain it as best we can.

So as enticing as the legislation sounds, as fervent as the plea is from those who support it, I submit to the Members, we must stay with the committee because the balance that is at stake is too dangerous to gamble with.

(On request of Mr. DORGAN of North Dakota and by unanimous consent, Mr. DE LA GARZA was allowed to proceed for 1 additional minute.)

Mr. DE LA GARZA. I yield to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. The distinguished chairman, for whom I have the greatest respect, is worried that the largest producers in America might not be able to take advantage of the American dream.

I just want to say that they take advantage handsomely because 10 percent of the largest producers——

Mr. DE LA GARZA. Let me reclaim my time. I did not say that, and if it came out that way, I did not mean that; but there is a concept here that "if you're big, you're bad" and this is what I am trying to negate.

Mr. DORGAN of North Dakota. If the gentleman will yield further, let me just say that the 10 percent of the largest producers in the country now take 50 percent of the benefits in the farm program. We simply do not have unlimited money. The question is, how can we use our money the right way to provide the best support we can to the family farmers in the country? That is all we are trying to do.

Mr. DE LA GARZA. To support the committee version, that his how you can best utilize your money to help all of the farmers of America.

That is why I ask my colleagues to support the committee version of the legislation. We cannot gamble; it is too risky; we have tried and we can correct and have midcourse corrections; this would just be turned loose and then there will be no retrieving, regardless of what the consequences are.

Mr. ROBERT F. SMITH. Mr. Chairman, I rise in opposition to the amendment.

I yield to the gentleman from Illinois.

Mr. MADIGAN. I thank the gentleman for yielding and rise to associate myself with the very eloquent remarks of the chairman of the full committee, the gentleman from Texas [Mr. DE LA GARZA], and to remind the Committee of the Whole that not only the gentleman from Texas but also the gentleman from Washington (Mr. FOLEY), the chairman of the appropriate subcommittee, has also risen in opposition to this amendment, as has the ranking member of the subcommittee, the gentleman from Montana [Mr. MARLENEE].

I would like to say to my very distinguished friend from South Dakota, who argued with me about the statistics in Illinois, that I was referring to farms of 500 acres average size in Illinois, and said that specifically in my remarks. The information that the gentleman used from the U.S. Department of Agriculture referred to all farms in Illinois, and there are many hobby farms in Illinois, of 30 and 40 acres, and I am sure the gentleman would not want the Committee of the Whole to have been misled by the response that he gave to me.

Mr. DASCHLE. Will the gentleman yield on that score?

Mr. MADIGAN. I do not have the time; the gentleman from Oregon [Mr. ROBERT F. SMITH] has the time, but perhaps he would yield to the gentleman.

Mr. DASCHLE. Will the gentleman yield?

Mr. ROBERT F. SMITH. I yield to the gentleman.

Mr. DASCHLE. Mr. Chairman, I have the statistics, and I think for the

record we might as well state them at this time.

We have 34,000 Illinois farmers whose farms have a base of 76 to 150 acres; we have 2,000 farmers in Illinois who have a base of 300 to 400 acres, and then we have 440 Illinois farmers with a base of more than 500 acres.

Mr. MADIGAN. If the gentleman will yield to me.

Mr. ROBERT F. SMITH. I yield to the gentleman.

Mr. MADIGAN. I said an average of 500 acres, and I referred to that as the average working farm in my State, and I think the 76-acre farms clearly are not working farms, and I think that point has been made, and I thank the gentleman for yielding.

Mr. ROBERT F. SMITH. I thank the gentleman, and may I just point out again and enunciate what I believe the chairman was describing. A question I want to leave in everyone's mind about this substitute is, what does it do about the overall surpluses in America of wheat and later in feed grains; what does it do to the non-subsidized commodities that are still out there; and much of agriculture is non-subsidized, there are just a few commodities, and what does it do to other subsidized crops?

The question I come back to again is the problem that you have in this bill, identified by the gentleman again from South Dakota, is that there is no cost compliance in this issue, in this measure, and that is dangerous because that means that you can move from one commodity to another without penalty.

The $50,000 limitation differentiates between bigs and littles; that still is in the bill, you can receive no more than $50,000 deficiency payments. Plus the fact that everybody in America, tomorrow morning, can go and produce 20 percent of their acreage in wheat under this proposal, and the next year we can move 10 percent of our commodities around to produce wheat.

So the point is everybody is going to produce wheat. If corn follows this, everybody that has produced anything else, will also produce corn, because it appears that corn and wheat are the most profitable government subsidies. Remember this program moves us to farm the government. Our program approved by the Committee was trying to move farmer income from the Government to the market place.

I yield to the gentleman from Illinois.

Mr. MADIGAN. I thank the gentleman for yielding. I just think we need to repeat at this point a point that was made earlier by the gentleman from Montana [Mr. MARLENEE].

When we talk about these figures from the U.S. Department of Agriculture; the size of this and the size of that and the size of something else, we are talking about ownership; we are not talking about operating farms.

As the gentleman from Montana [Mr. MARLENEE] said a while ago, operating farmers rent as many as four pieces of farmland in order to put together an amount of land sizeable enough of them to make a living.

When we talk about somebody having 76 acres, we are talking about ownership; we are not talking about operating farms, and I think that point made earlier by the gentleman from Montana needs to be repeated when we try to calculate who benefits and who gets hurt by these kinds of things.

Mr. ROBERT F. SMITH. I yield to the gentleman from Montana [Mr. MARLENEE].

Mr. MARLENEE. I thank the gentleman for those comments and I thank my good colleague from the State of Oregon for yielding.

If we would go over the 1982 Agricultural Census, we would see that various categories in the number of wheat producers, and we note that there are 309,000 producers who produce under 150 acres.

(On request of Mr. MARLENEE, Mr. ROBERT F. SMITH was allowed to proceed for 2 additional minutes.)

Mr. ROBERT F. SMITH. I yield to the gentleman from Montana.

Mr. MARLENEE. I note that there are 66,350 who are 150 to 300 acres. Well, if we take those two categories, the first one and say well, these basically are absentee or who produce wheat as a sideline, we can set that 309,000 producers aside. They are absentee or else they are producers who produce wheat as a sideline.

Then we take the 66,000 and we divide that, and we have about 33,000 who are actual hands-on producers. They are 150 to 300 acres. That is where targeting is targeted for; 33,175. Add up all of the rest of the wheat producers, all of the rest of them, and you come up with 70,000 wheat producers in this Nation.

□ 1420

And, maybe, that is why, maybe that is why the National Wheat Growers do not support this concept nor do the Wheat Producers of Montana or any other bona fide group like the Farm Bureau.

Mr. Chairman, I thank the gentleman for yielding.

Mr. DASCHLE. Mr. Chairman, will the gentleman yield?

Mr. ROBERT F. SMITH. I yield to the gentleman from South Dakota.

Mr. DASCHLE. I thank the gentleman for yielding.

For clarification, was it the gentleman's point that we do not in this amendment deal with supply control any more effectively than what is in the bill?

Mr. ROBERT F. SMITH. I am suggesting under the Stenholm provision approved by the committee that we still have the opportunity to move 20 percent of one crop to another, and are likely to do so because of an increased subsidy by the Government of the United States. If everybody did that in America, we would be growing wheat in more surplus than we are growing it now. That was my point.

The CHAIRMAN. The time of the gentleman from Oregon [Mr. ROBERT F. SMITH] has again expired.

(On request of Mr. DASCHLE and by unanimous consent, Mr. ROBERT F. SMITH was allowed to proceed for 1 additional minute.)

Mr. DASCHLE. Mr. Chairman, will the gentleman yield?

Mr. ROBERT F. SMITH. I yield to the gentleman from South Dakota.

Mr. DASCHLE. I thank the gentleman for yielding.

I only say that first of all that that is what this amendment does too. This amendment does not change that. So as far as the comparison goes, we are dealing with exactly with regard to the same size farm as we were dealing with in that particular issue.

Mr. ROBERT F. SMITH. Reclaiming my time, and then I will yield. This amendment does make those charges. It raises the target price, it makes producing wheat more attractive, it moves people to grow wheat, and it will move people to grow corn.

Mr. DASCHLE. Yes; but the point that I have to make in regard to that is that the gentleman's understanding is that we have cross compliance here which prevents them from going to wheat, which prevents them from going to corn from another crop.

Mr. ROBERT F. SMITH. Reclaiming my time, it does not prevent them from initially moving 20 percent to wheat.

Mr. PENNY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

First of all, Mr. Chairman, I want to clarify a couple of points because it has been raised on several occasions by opponents of this amendment that somehow this targeting provision is a big bonus to doctors, lawyers, and other absentee owners. It is not.

If you look at this in a fair manner, you will discover that those kinds of farmland owners are not benefited in any degree by this measure that is not also available to them under the current law or under the Foley-Marlenee proposal. So it is not as if this is a big windfall to those kinds of landowners.

Second, the question was asked by the gentleman from Oregon, what do we do under this approach with the current surplus? One thing we do not do is add to the current surplus under

this approach, because under the marketing loan concept that grain is going to move. We are not going to turn it over to the Government at a huge cost the way we have under current programs and the way we will continue to under the Foley-Marlenee program.

We need a new approach in agriculture. That is the key argument in favor of this concept.

We do not save our farm economy by giving them the same old program.

The chairman of our committee argued a few minutes ago that this is not the time to try something new, that we want to stabilize the farm situation. No, we do not want to stabilize the farm situation because today the farm situation is deteriorating at a rapid rate. We need to do a better job of protecting farm income than we are doing under current circumstances and current programs and a better job than we would do under the Foley-Marlenee approach.

The marketing loan and the targeting concepts included in this amendment give us a chance to do a better job.

First of all, it gives us a chance to improve our market competitiveness. You know, a lot of people here say they want to make agriculture competitive, they want to have it market oriented. But when you offer them the only plan that will really get us market competitive, then they shy away from it, then they say we have to have income support at certain levels so we do not let that market price drop too low.

If we want to find out where that market will really go and how much of that market we can have, the marketing loan program gives us that opportunity. Then to make sure that you do not lose farmers in the process, let us give them a decent target. Let us not give them the same old target price, let us give them better target protection if we can.

This approach, as proposed by Messrs. STANGELAND, DASCHLE, DORGAN of North Dakota, GLICKMAN, and others, gives us a chance to move that target price up on the first level of production so that a small- and mid-sized family operator has an opportunity for a better price. Targeting makes an awful lot of sense from the budget standpoint as well. Keep in mind we are spending far less under this bill than we have been spending under current policy. I believe we ought to target those program benefits so that the small- and mid-sized family operators get the best income protection. Again, the only targeting that we have available is through the adoption of this amendment.

Last but not least, the issue in agriculture is a better price. We need to have a price if we are going to offer hope for our family farmers. Look at what happened to price in just the last year. I know this amendment only addresses wheat, but I want to compare what has happened on corn as well because there should be a similar amendment to this adopted when we take up the corn provisions.

But on wheat a year ago in August, the price for wheat was $4.60; this August, just a month ago, it was $3.60. For corn, a year ago it was $3.24; this past August it was $2.58. That price is continuing to drop. Farmers' income is going down. We know that under the best approach we are not going to restore the kind of markets we need in order to get the market price up within the immediate future. That means we have to do something through targets or loans to give the farmers a better income than under a current farm programs. We offer one possibility under the Bedell amendment that will be debated later. The Bedell provision gives farmers a referendum vote to raise their price through a loan approach, and keeps us competitive in the world market by using our existing surplus in a bonus-bushel export plan. But if we want the fallback to that referendum to be something better than the current farm program, to provide us better income protection than the same old stuff for another few years, then I think we have to adopt this Stangeland-Glickman amendment, because under this amendment with a marketing loan and targeted payments to the family farmer in the small- and mid-sized category, we are going to provide better income protection.

If that referendum fails, I want a better fallback plan, and this marketing loan concept with its targeting provisions provides us that.

Mr. COMBEST. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I appreciate the time. There has been a lot of discussion going on back and forth about this and other approaches to the wheat title of the farm bill. I certainly respect what the chairman indicated, that we should come with a program that fits closer to the farm bill as reported by the committee. I believe that is the direction to take.

However, there are some portions in that which a number of us do not support, a number of us would like to see some other objectives.

I am not going to go into the argument of why this may work better than some others. I think there are two or three basic points I would like to make to my colleagues in the House. No. 1, I do not believe that given the budget constraints that we have in trying to deal with the farm program we are going to come up with a program that everybody in this body is going to support. I wish that were the case. I do not think we are going to come up with a program that every farm group, no matter whether we can read off lists of this group supports this program or this group supports that program; that is not really the criterion, in my opinion. What we need, in my opinion, to look for is a program which will provide some income protection to the farmer, a program which will provide the opportunity for us to remain competitive in the export markets. I think it is vital that we continue those. I think it is vital that we do not lose those market opportunities in other countries. But I think it is also vital that we do not put that on the back of the farmer. I think in the current situation that is the case. We are causing and creating the farmer to have to finance our competing in foreign markets. Let us put it back on to the administration, and let us deal with that from the level rather than trying to leave it with the farmer.

I believe it is a significant and important matter that we continue to do these markets, and in my opinion this is the best approach that we can reach both of those goals.

Additionally, I do not believe this bill gouges or hurts the end user of the commodity, the livestock, or dairy producers, or others who have so much at stake, with the market so low that we have to keep competitive. Certainly it is important to the price of beef and to the price of milk that they be able to buy extremely competitively. Certainly the farmer needs to have more of an income. But I do not believe we need to leave that totally on the backs of the farmer.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. COMBEST. I would be happy to yield to the chairman of the full Committee on Agriculture.

Mr. DE LA GARZA. Mr. Chairman, I appreciate the gentleman yielding.

I do not say this in a derogatory way, but the gentleman is emphasizing that you are putting it on the back of the farmer. Not so. We are sharing now. We are having a difficult problem.

But one of the worse problems in our area and in the area of the gentleman is when we are going to balance the budget. That is the most that we can do for the farmer besides giving him a price, is to balance the budget. This market clearing amendment, here you are letting the world set the price and you are putting the costs then on the taxpayer. What we do here is not all agreeable to a lot of people. That is why I say we have to stick with the committee, because editorial after editorial about the big price the farmers are getting, we know it is not so. So the gentleman uses perhaps the wrong phraseology here that you are going to take it off the back of

the farmer; you are going to put it on the back of the taxpayer without control, without limit. We have to do a balancing act.

I thank the gentleman for yielding.

Mr. COMBEST. Reclaiming my time, Mr. Chairman, I think the point I am trying to make is under current conditions and I think under many of the programs that we are looking forward to under the proposal as it comes from the committee is going to reduce that price potential to the farmer. I think that is where he has to be protected. As I am sure the chairman knows over many years of dealing with agriculture, you look at the end of the year to see whether or not you made a profit based on what the Government program has been, based upon what the price one had received in the marketplace. You add them up, and if you received more than you paid out, then you have made a profit, certainly. But I think it is also very important to note that throughout this entire type of a farm policy what we have done is we have used artificially high levels to set prices which some foreign countries can immediately come below and drive us out of that market and force the farmer into putting his commodity into storage. Certainly previous programs have not worked, we have continued to build up surpluses, we have continued to do that at the expense of the taxpayer, at the expense of the farmer because of the pricing it has. In my opinion, what it would do is to give that farmer that income protection which he needs, it would also give us an opportunity to move that commodity into the foreign markets to compete in those countries that are highly subsidizing their exports. And, yes, sir, Mr. Chairman, there is a level at which the taxpayer participates in the farm commodities. That has been the case for many, many years. I think it will continue to be the case for the next several, certainly if we are going to come out from under this program and out from under the problem.

The main point I would have to make is, I think we have to do something in the short term, not keep the status quo in agriculture but to do something that may be somewhat different because in my State the prices are so severe that we cannot let it fall simply as it is.

The CHAIRMAN. The time of the gentleman from Texas [Mr. COMBEST] has again expired.

(On request of Mr. DORGAN of North Dakota and by unanimous consent, Mr. COMBEST was allowed to proceed for 1 additional minute.)

Mr. DORGAN of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. COMBEST. I yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. I thank the gentleman for yielding.

First of all, I think the gentleman made an excellent statement, and I think he said it very clearly. I just wanted to point out to those who suggest that this is a budget problem, this approach, we are all familiar with budget problems; Lord knows, the cost of the farm program in recent years has exploded on us. And despite the fact that we have spent more and more money, we have not solved this problem. We have record farm failures. This approach is not a budget buster. In my judgment, this approach is the first step down that road to begin solving the farm problem and getting off the budget the kind of resources we have been spending in recent years, most of which, incidentally go to the largest producers from the pockets of the American taxpayers.

The farmers want a price, and they can either get it from the marketplace or from the Federal budget. We prefer the marketplace. In the short term, this approach is the right approach from the budget standpoint. This does not break the budget. The old approach breaks the budget. I think this approach is a first step toward solving our problem for the farmers and for the Federal budget.

And I appreciate the gentleman yielding.

Mr. COMBEST. The gentleman makes a very good point.

The CHAIRMAN. The time of the gentleman from Texas [Mr. COMBEST] has again expired.

(On request of Mr. DE LA GARZA and by unanimous consent, Mr. COMBEST was allowed to proceed for 1 additional minute.)

Mr. COMBEST. Mr. Chairman, the gentleman makes a very good point and one which, as is indicated, comes within the budget. And that is the reason for the targeting. We may have some problems with the way that is handled. I do not like targeting.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. COMBEST. I yield to the chairman of the committee.

Mr. DE LA GARZA. I thank the gentleman for yielding.

Mr. Chairman, very briefly, we have heard so terribly much that we need to level the field here, we need a level playing field. This marketing concept, they reduce, they reduce, they reduce, they reduce, because our farmer then will just get it from the Federal budget and we will be at their mercy. Where will we wind up? Where will be the price that we leave for our farmers? Where will we be in 2 years, 3 years?

I have to think of the farmer to the end of this century, not in the next election or next year or 3 years. We have got to look to see how we can stabilize it in the long term. If we leave this to the vagaries of other countries, knowing that we are going to sell at any rate, then they will just go under and go a lot under where we would be. What have we done to stabilize the price for the farmer at the end? Nothing.

□ 1435

The CHAIRMAN. The time of the gentleman from Texas [Mr. COMBEST] has expired.

(By unanimous consent, Mr. COMBEST was allowed to proceed for 1 additional minute.)

Mr. COMBEST. I appreciate the Chairman's concern, and I think we have the same concern for the farmer. I also want to look into the future. My concern is that the alternatives that are there short of the marketing loan approach is not going to leave us with any alternative because, in my opinion, in the out years we are not going to have many people involved in agriculture.

(On request of Mr. FOLEY and by unanimous consent, Mr. COMBEST was allowed to proceed for 3 additional minutes.)

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. COMBEST. I yield to the gentleman from Washington.

Mr. FOLEY. Mr. Chairman, I hope that the Committee will consider very carefully before it votes to support this substitute.

We are troubled in our agriculture today by an enormous overproduction. It is part of a worldwide overproduction problem that is driving down the price of grain and creating public management and expense problems throughout most of the exporting agricultural world.

We have a $2 billion-plus wheat crop today. In considering this amendment, we could be taking a step which I hope we do not take, that of providing so much protection to the farmer that all marketing decisions will be swept away, there will be almost a total guaranteed Government signal to produce, produce, produce.

There is a set-aside requirement in all of these bills. However the fertilizer that will be plowed into wheat acreage throughout this country to maximize production will create additional huge problems in the management of our public surpluses, that will be devilish in the future. This is a well-intended but bad amendment. It was rejected by the committee. It is opposed by the chairman of the committee, by its ranking minority member, by the chairman of the subcommittee and my colleague, the gentleman from Montana [Mr. MARLENEE]. While I am for protecting the farmer this will create almost a total Government guarantee to the farmer, and in doing so, takes away all signals of restraint in production.

The farmer will have an opportunity under this amendment to get whatever protection the price will lead to. Under it there are no limits. It creates an entirely new, untrusted and untried system which I think reckons to put us in even worse condition on price, on surplus and on farmer income.

Secondly, the taxpayers of this country will not permanently support a plan to provide unlimited amounts of grain to be produced in the United States and exported for overseas use. Some restraint has to be adopted in the production of crops here and abroad if we are ever going to get a restored price. This tends to weaken all of signals to the farmers here and abroad and creates a problem which I think will be devilish in the future.

Under the circumstances and despite my respect for those who have offered them an amendment on both sides of the aisle, I hope the general membership will reject both the substitute offered by the gentleman from Minnesota and the amendment offered by the gentleman from North Dakota.

Mr. COMBEST. I appreciate the gentleman's comments, and I know we are all very concerned about the direction of agriculture.

I would just simply say that this does, in my opinion, set up a supply management type program. It is voluntary mandatory, and I think it is one that will have some tremendous effects on actually what the result is. We are not setting ourselves up for the situation that will allow the Government to acquire and to take over great numbers of stocks because, simply, the program is a recourse loan rather than nonrecourse.

Mr. STENHOLM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Washington made some excellent points in regard to this amendment. I would, though, point out that when it came up in the Committee it was defeated by one vote.

I wish at this point in time that we had done a little more cleaning up of this concept. We tried, and those of us who support it—and I intend to support this amendment today on the floor. I do so, in pointing out the gentleman from Washington made some arguments regarding the message that this bill sends or that this amendment sends. But I also rise at this point in time to encourage all members of this committee, particularly those on the House Agriculture Committee, to listen to the arguments that have been made in opposition to, as well as in favor of the market loan approach.

We are going to have another opportunity in just a few moments to discuss the so-called Bedell amendment. It is very interesting to listen to the debate today and to guess what lies ahead as we talk about yet another concept. This one is not necessarily new. But I want to point out one thing. My name has been used quite often with the Stenholm base and yield bill, of which I take quite a lot of pride, with my friend, the gentleman from Kansas [Mr. ROBERTS] who worked so hard in this particular section of the bill, in which we have attempted to meet the market-oriented needs of agriculture in allowing flexibility of producers. This particular section does not affect that.

It has been suggested that somehow cross compliance has been brought in. And let me refresh everyone's memory. Cross compliance has to do with an individual farmer participating in, let us say, the cotton program up to the maximum amount allowed under the limitation of payments and then producing wheat on the rest of his farm and staying out of the program, and that is allowed. If this amendment passes, that will no longer be allowed.

If you are for effective supply management, you need to be for cross compliance.

What do we mean by effective supply management?

For the last year and a half, I have defined effective market-oriented supply management around three basic principles. The first is, the United States will no longer act as the world surplus disposing agent. No. 2, the United States will not subsidize its producers to overproduce. And, No. 3, the United States will act to protect farm income up to a certain point.

Today we are talking about targeting of benefits. That is another way of saying that the United States and this Congress is going to have to come to grips with the budget implications of farm bills.

Now, I do not particularly subscribe to the targeting as it is done in this bill. It has got some real problems, and there is no point in continuing the debate. Those who have opposed it based on that I think are correct. But let me sum up by saying the first point that I mentioned can further be defined by saying we should not give price windfalls to nonparticipants in farm programs. Under the current farm program, and those who have come before it, we will see that we continue to give benefits to nonprogram participants. That is a very major weakness of current farm legislation.

No. 2, we should not encourage expansion by foreign producers. I submit should this amendment pass today it is a message that needs to be sent to the rest of the world. We are going to get very competitive. We are going to hold the farmer harmless in regard to this particular issue. It it budget responsible. And that argument has been well made, because the cost of the loan, if the Government ends up assuming that grain, that cost is paid by the same Treasury.

The third point that I would like to make to this argument is that we should avoid sudden demand shocks to agribusiness in rural communities, and this amendment proposes a certain amount of supply management. No question about that. It will not work any other way. In fact, I think it will be very effective supply management because it is truly a voluntary mandatory approach.

Now, you are going to hear in a moment those who argue that we ought to have mandatory controls. This one lets anybody produce. Anybody can farm, anybody can go out and raise all of the wheat that they particularly want to. They do not have to set aside anything if this amendment should pass. It is complete, total freedom.

The CHAIRMAN. The time of the gentleman from Texas [Mr. STENHOLM] has expired.

(By unanimous consent, Mr. STENHOLM was allowed to proceed for 2 additional minutes.)

Mr. STENHOLM. Mr. Chairman, it is complete and total freedom of an individual farmer to produce for that world market if he chooses not to participate in the supply management features that are a part of this amendment.

The last point that I would like to speak to in regard to this amendment and the one that is going to come later—because again I point out it is very interesting to listen to the debate for and against this amendment and to guess what is going to come when we get into the Bedell amendment. The chairman said a moment ago we should not gamble at this time. I am going to point out that same statement on Bedell, because it is one that we have got to think about. We spent a lot of time in the Agriculture Committee doing this. We should not continue the status quo in the farm bill.

We should serve notice to our foreign competitors that we will compete in terms of both price and supply.

Now, if that is what we really want to do, folks, this amendment is one way to do it. This is a good, quick way for us to get there.

So again let me point out, this does not have an adverse effect upon the base and yield section. It is still an integral part of the farm bill as I had hoped that it would be. Cross compliance is a separate issue that must be taken into consideration. It is a part of this amendment. Individuals need to make their minds up on that judgment based on your own opinion.

As I said, this is not a perfect amendment. The House Agriculture Committee has spent many hours of debate on this. The chairman is perfectly correct in saying that we should

not be rewriting farm legislation on the floor.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Nebraska.

Mr. BEREUTER. I thank the gentleman for yielding.

Mr. Chairman, the gentleman has made a number of cogent arguments. This Member of the House has been particularly interested in agriculture export matters, and in that respect I think that the arguments that the gentleman has introduced for consideration by the House today are very persuasive to this Member. It is for this reason and many others already discussed that I support this proposal. This is a risk, in a proposal for a different approach it is true but there are much higher risk proposals before this body, on this body, and as part of this bill.

The CHAIRMAN. The time of the gentleman from Texas [Mr. STENHOLM] has expired.

(On request of Mr. BEREUTER and by unanimous consent, Mr. STENHOLM was allowed to proceed for 2 additional minutes.)

Mr. BEREUTER. I frequently meet with our urban colleagues, and I know that they must be perplexed with the debate that is taking place here today, with the Agriculture Committee making recommendations and so many of its Members on both sides of the aisle advancing another proposal. But I say to these people, especially those that I meet with every week at 5 o'clock, on every Tuesday and Wednesday, for example that I want you to give very serious and favorable consideration to this Stangeland-Roberts amendment now before you offered by the distinguished gentlemen from Minnesota and Kansas, members of the Agriculture Committee.

Mr. HUCKABY. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Louisiana.

Mr. HUCKABY. I thank the gentleman for yielding.

Mr. Chairman, I am very distressed with the gentleman's remarks that he sees no relationship or correlation between cross compliance and the bases and yields bill. I would like to point out to my colleagues, whether you are from North Carolina, Louisiana, or California, or any State where you produce more than one commodity, your average farmer is going to be penalized and penalized significantly if this amendment passes.

The gentleman from Texas and I worked out, with others, after many long months, an understanding on cross compliance, and now the gentleman seems to be saying, "I no longer stand by that agreement as such."

Mr. STENHOLM. The gentleman is totally correct. In the base and yield section, as we worked it out, the gentleman is totally correct. But this amendment, if you are in favor of supply management, effective supply management, this amendment as offered is a way to get there. I do not argue at all with the gentleman's statement as far as what will happen to other areas and how it will affect other areas. I thought I made myself clear.

Mr. HUCKABY. If the gentleman will yield further, I would like to also point out that the initial bill before us, the Foley-Marlenee proposal, which is very similar to the Huckaby-Stangeland proposal in cotton and rice, provides for acreage reductions and supply management without these exotic new things that I agree with the chairman of the subcommittee, the gentleman from Washington, is going to cause more chaos and more confusion in agriculture.

The CHAIRMAN. The time of the gentleman from Texas [Mr. STENHOLM] has again expired.

(By unanimous consent, Mr. STENHOLM was allowed to proceed for 2 additional minutes.)

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Oklahoma.

Mr. ENGLISH. Mr. Chairman, I think the gentleman made a very fine statement. I would certainly like to commend him for it. I would agree, as well, that this amendment does do much in moving in the direction of supply management. It applies to wheat and feed grains. That is where the principal problem is.

I would also like to take issue with the statement that was made earlier that somehow the higher target price for that first 15,000 bushels of wheat is going to increase production. I do not see how in the world that is true if we use a bushel basis. How in the world could you increase production over the 15,000 bushels on the acreage base that we already have? I think most of us would agree that the bushel basis is certainly going to be a much tougher method as far as supply management is concerned, and I would agree with his assessment that this measure does offer hope in reducing the amount of carryover and therefore provides some hope, some light at the end of the tunnel for farmers, so they can look forward to better prices each year as we move along instead of looking forward to a system that is going to drive down the market price year after year after year by reducing the loan rate. And that is what we are really down to.

Again, I want to underscore that one thing there seems to be unanimous agreement about and that is the program we have been operating under the last 4 years simply has not worked. This is a change. The question is whether people want to change and move in a new direction or whether they want to stay with what has failed in the past 4 years.

Mr. STENHOLM. I might sum up my own remarks. I tried to make it very, very clear. There is a big difference in regard to the definition of cross compliance. The gentleman from Louisiana is totally correct in that. I thought I made my point extremely clear that if you are in favor of supply management, this is a way to get there.

I have got problems with two things about this amendment as offered. This is one of them.

The second point is the concerns that the gentleman from Washington brought up, and I have already summarized that. There is no point in going on.

I thank the House very much for indulging me this time in making these points.

□ 1450

Mr. SLATTERY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to refocus, if we can, on some of the fundamental facts that have gotten obfuscated in the discussion here this afternoon. I want to address my first remarks to the whole question of the targeting provisions in the bill.

I think it is important for us to understand the basic facts. The basic facts are that 5 percent of the farmers participating in the farm program get 39 percent of the total amount of money spent under the various commodity programs. Keep that point in mind: Five percent of the farmers get 39 percent of the money we are spending.

About 15 percent of the wheat program benefits go to 1 percent of the wheat farmers in this country. About 16 percent of the corn payments go to 2 percent of the corn farmers in this country. So let us keep that in perspective as we talk about the question of targeting.

The question is whether we can make this system fairer with respect to the distribution of the money—the limited amount of money—that we have to spend. I submit that the amendment that the gentlemen from Kansas and Minnesota and the other gentleman from Kansas [Mr. ROBERTS] are discussing here today, is a modest effort to address this fundamental problem of too few getting too much.

Any suggestion that farmers would dramatically increase their production of wheat, for example, because the target price would be raised from $4.38 to $4.50 as some of the previous speakers have suggested, just does not make a lot of sense to me. The other point

that I think needs to be responded to is the whole question of the set-aside requirements. The set-aside requirements in the amendment and the set-aside requirements in the committee bill are identical, there is no difference.

We have heard people say that if we adopt this targeting provision amendment that we are going to increase and encourage increased production. Let us look at that for just a second. The fact of the matter is that under the committee bill we are looking at a target price of $4.38 for all production up to the limits of the deficiency payment and up to the limits of the loan. Under the amendment, for the 15,000 bushels of production, I will concede the target price will be a little bit higher, farmers would receive a little more income for the first 15,000 bushels of production. Twelve cents a bushel more.

Then what happens? After that point, the incentive is not to produce, because the target price drops a full 50 cents a bushel, 38 cents below what the committee bill is talking about. So for those people that are worried about whether this will actually encourage production, I contend clearly that it will not encourage production. I would argue that for those farmers that are producing more than 15,000 bushels of wheat in this specific example, it would discourage production.

Mr. Chairman, the other point I think we need to focus on is this question of whether corn farmers are going to reduce their production and then start increasing wheat production. Let us look at that for a moment. Under the targeting provisions that will be offered subsequent to this amendment, we will talk about the corn target price being raised slightly for the first 30,000 bushels of production. So I would contend that we are going to increase the incentive to produce for the early stages of production of corn which is going to decrease the incentive to switch to wheat or vice versa.

Mr. Chairman, I would conclude by saying that in the final analysis, what we are looking at here is a balanced approach. An approach that recognizes and responds to the desperate need to address the income problem that we have in rural America. It does that with both targeting provisions and with the marketing loan concept.

It also sends a powerful message to the international marketplace. We are telling our competitors around the world who are subsidizing their farmers that American farmers are going to be in the marketplace, in the international marketplace next year regardless how much they subsidize their production. I believe that will have a chilling effect on how much money the Europeans and other producers around the world want to spend to subsidize their farm production.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. SLATTERY. I yield to the gentleman.

Mr. FOLEY. I thank the gentleman for yielding.

Mr. Chairman, the gentleman suggests that because he is going to have a corn targeting proposal it will not affect the transfer of acreage of corn to wheat. I would remind the gentleman that many corn farmers produce more than 30,000 bushels, and they would undoubtedly produce the first 30,000 bushels.

It might also encourage many producers who are now producing crops other than corn or wheat to move their crops to corn and wheat, since these crops will have special terms for the first 15,000 or 30,000 bushels.

The CHAIRMAN. The time of the gentleman from Kansas [Mr. SLATTERY] has expired.

(On request of Mr. ROBERTS and by unanimous consent, Mr. SLATTERY was allowed to proceed for 3 additional minutes.)

Mr. SLATTERY. Let us not confuse the basic facts. The facts are that for wheat, during the early stages of production, we will be encouraging that first 15,000 bushels of production under the amendment with the $4.50 target price as opposed to the $4.38 in the bill. Beyond the 15,000 bushels in production that may affect wheat farmers in Washington, the target price will drop 50 cents, and that will discourage additional production.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. SLATTERY. I am happy to yield to the gentleman from Kansas who has worked tirelessly on this amendment and whose knowledge in this area I deeply respect and I say that with all sincerity.

Mr. ROBERTS. I thank the gentleman for yielding.

Mr. Chairman, I think that my colleagues can see that we have a division in the committee made of the establishment on one side and those of us who want to get there from here on the other. I must plead guilty.

Nine months ago, as the author of this convoluted and radical and very different departure from farm policy, I was meeting with Mrs. Stockman's very brilliant son, and we were trying out new ideas on how we could get there from here with profit and price into agriculture. I said what about a two-tier plan, and he said no. What about a bushel allotment plan and he said no. I said what about the current plan and he said no. I said what about the marketing loan and he said what is that.

We got our boot in the door. I do not think we can have it both ways. I would say to my very distinguished chairman that the committee bill does freeze target prices at $4.38. In terms of budget exposure, if you stop right there, yes, why we have less budget exposure. But also under the committee bill we give discretionary authority to the Secretary. We say, let him do it; let Jack Block do it. Then if he does that and he moves that loan rate down to $2.47, that is outside the payment limitation and then you will have that same kind of budget exposure.

Now, under the marketing loan, if that price falls to $2, you do make the payment from $2 to that current loan; to $3.14 all the way up to $4.38. But you move the grain; you move the grain. You ask what will our competitors do? What are they doing now? If you put that loan down to $2.50, they will sell it at $2.47. If in fact this does not make sense that if the price goes to $2 to move the grain and still protect the farmer up to $4.38, what are we doing all this for? If the grain does not move at $2, if we are not going to get market competitive and get there from here and end this 5-year agony, this "Death Valley Days" that the administration's projections show, if that is the case, if we cannot move the grain at $2, then I would say to my chairman and to my distinguished colleague from Washington that the administration is wrong, the Farm Bureau is wrong, Mr. MADIGAN is wrong, the chairman is wrong, everybody in this body is wrong. I want to get there from here.

We have heard a long debate here on how we ratchet down the loan rate to become market competitive over a 5-year period. We will not have anybody left. Let us get there from here.

The CHAIRMAN. The time of the gentleman from Kansas [Mr. SLATTERY] has expired.

(On request of Mr. ROBERTS and by unanimous consent, Mr. SLATTERY was allowed to proceed for 1 additional minute.)

Mr. SLATTERY. I thank the gentleman for his comments.

Mr. Chairman, in the remaining time I want to come back to the basic facts again. The basic facts with respect to this targeting amendment are these: No. 1 fact to focus on, do we want to continue to give 39 percent of the money that we are spending on these commodity programs to 5 percent of the farmers in this country? I say we should change this, and I say this amendment makes a historic first step toward addressing that problem.

Mr. HATCHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the chairman of the committee [Mr. DE LA GARZA].

Mr. DE LA GARZA. I thank the gentleman for yielding.

Mr. Chairman, I take this time to advise the Members that I think we have fully debated this amendment and we are ready to vote. But what I would like to leave my colleagues with is the thought that even though there are differences of opinions as to the philosophy or the thrust of the solution, we all agree the farmer is still in trouble out there.

□ 1500

Mr. Chairman, we need legislation, and the intensity of the debate is perhaps because of that. We have a disagreement basically, but we have no crystal ball. It is illusory at best that the grain will move. We started losing markets before the dollar started gaining strength and before the interest rates started going up, so it is hard to say that the grain is going to move. It may or it may not.

But the fact that I want my colleagues to understand is that we still have the problem. We still have the farmer in trouble. We need to address many issues. We need to bring down interest rates, keep inflation down, and reduce, if we can, the discrepancy between our currency and other currencies. So we cannot say that we will pass this amendment and all of a sudden everything is going to be bright and sunshiny and everybody out there is going to be buying our grain. No so.

I ask my colleagues to exercise some degree of caution. I hope they do not get too terribly confused with loan rates and target prices and marketing loans. If they are confused, I do not blame them. But the best thing Members can do under the circumstances is to stay with the committee version, stay with the leadership of the committee, because we have to remain together for the other parts of the bill.

Mr. Chairman, the best way to arrive at a final product is to go with the carefully crafted parts of the legislation, and I would hope that the Members will do that.

The CHAIRMAN. The question is on the amendment, as amended and as modified, offered by the gentleman from Minnesota [Mr. STANGELAND] as a substitute for the amendment offered by the gentleman from North Dakota [Mr. DORGAN].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GLICKMAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 200, noes 228, not voting 6, as follows:

[Roll No. 322]

AYES—200

| | | |
|---|---|---|
| Ackerman | Applegate | Atkins |
| Alexander | Armey | Barnes |
| Bartlett | Guarini | Regula |
| Barton | Gunderson | Ritter |
| Bates | Hamilton | Roberts |
| Beilenson | Hartnett | Robinson |
| Bennett | Hayes | Rodino |
| Bentley | Heftel | Roe |
| Bereuter | Hertel | Rogers |
| Berman | Hiler | Rostenkowski |
| Biaggi | Hopkins | Roth |
| Bliley | Howard | Sabo |
| Bonior (MI) | Hubbard | Savage |
| Borski | Hughes | Saxton |
| Bosco | Ireland | Scheuer |
| Boulter | Jacobs | Schneider |
| Boxer | Jenkins | Schroeder |
| Broomfield | Johnson | Schulze |
| Brown (CO) | Jones (OK) | Schumer |
| Bryant | Kasich | Selberling |
| Burton (CA) | Kastenmeier | Sensenbrenner |
| Clinger | Kennelly | Sharp |
| Coats | Kildee | Shuster |
| Cobey | Kostmayer | Sikorski |
| Coble | LaFalce | Skeen |
| Coleman (MO) | Lantos | Skelton |
| Collins | Leach (IA) | Slattery |
| Combest | Leath (TX) | Slaughter |
| Cooper | Lent | Smith (FL) |
| Coyne | Levin (MI) | Smith (NE) |
| Crockett | Levine (CA) | Smith (NJ) |
| Dannemeyer | Lipinski | Snowe |
| Daschle | Loeffler | Snyder |
| Daub | Lujan | Solarz |
| Dellums | Luken | Stangeland |
| Dorgan (ND) | Lundine | Stark |
| Dornan (CA) | Markey | Stenholm |
| Downey | Martin (NY) | Strang |
| Durbin | Matsui | Studds |
| Dymally | Mavroules | Sweeney |
| Dyson | McCloskey | Synar |
| Eckart (OH) | McCurdy | Tauke |
| Edgar | McDade | Taylor |
| Edwards (OK) | McEwen | Torres |
| Emerson | McGrath | Torricelli |
| English | McKernan | Towns |
| Evans (IL) | McKinney | Traficant |
| Feighan | Meyers | Udall |
| Fields | Mikulski | Vento |
| Fish | Miller (OH) | Volkmer |
| Flippo | Molinari | Walgren |
| Florio | Moody | Walker |
| Foglietta | Mrazek | Watkins |
| Fowler | Murphy | Waxman |
| Frank | Natcher | Weber |
| Frenzel | Neal | Weiss |
| Frost | Nielson | Wheat |
| Gallo | Nowak | Whittaker |
| Gephardt | Oberstar | Whitten |
| Gingrich | Owens | Williams |
| Glickman | Packard | Wirth |
| Goodling | Pease | Wolf |
| Gordon | Penny | Wolpe |
| Gradison | Pepper | Wortley |
| Gray (PA) | Perkins | Yates |
| Green | Petri | Yatron |
| Gregg | Pursell | |

NOES—228

| | | |
|---|---|---|
| Akaka | Carper | Donnelly |
| Anderson | Carr | Dowdy |
| Andrews | Chandler | Dreier |
| Annunzio | Chapman | Duncan |
| Anthony | Chappell | Dwyer |
| Archer | Chappie | Early |
| Aspin | Cheney | Eckert (NY) |
| AuCoin | Clay | Edwards (CA) |
| Badham | Coelho | Erdreich |
| Barnard | Coleman (TX) | Evans (IA) |
| Bateman | Conte | Fascell |
| Bedell | Conyers | Fawell |
| Bevill | Coughlin | Fazio |
| Bilirakis | Courter | Fiedler |
| Boehlert | Craig | Foley |
| Boggs | Crane | Ford (MI) |
| Boland | Daniel | Ford (TN) |
| Boner (TN) | Darden | Franklin |
| Boucher | Davis | Fuqua |
| Breaux | de la Garza | Garcia |
| Brooks | DeLay | Gaydos |
| Brown (CA) | Derrick | Gejdenson |
| Broyhill | DeWine | Gekas |
| Bruce | Dickinson | Gibbons |
| Burton (IN) | Dicks | Gilman |
| Bustamante | Dingell | Gonzalez |
| Callahan | DioGuardi | Gray (IL) |
| Campbell | Dixon | Grotberg |
| Hall (OH) | Martinez | Rudd |
| Hall, Ralph | Mazzoli | Russo |
| Hammerschmidt | McCain | Schaefer |
| Hansen | McCandless | Schuette |
| Hatcher | McCollum | Shaw |
| Hawkins | McHugh | Shelby |
| Hefner | McMillan | Shumway |
| Hendon | Mica | Siljander |
| Henry | Michel | Sisisky |
| Hillis | Miller (WA) | Smith (IA) |
| Holt | Mineta | Smith, Denny (OR) |
| Horton | Mitchell | Smith, Robert (NH) |
| Hoyer | Mollohan | Smith, Robert (OR) |
| Huckaby | Monson | Solomon |
| Hunter | Montgomery | Spence |
| Hutto | Moore | Spratt |
| Hyde | Moorhead | St Germain |
| Jeffords | Morrison (CT) | Staggers |
| Jones (NC) | Morrison (WA) | Stallings |
| Jones (TN) | Murtha | Stokes |
| Kanjorski | Myers | Stratton |
| Kaptur | Nelson | Stump |
| Kemp | Nichols | Sundquist |
| Kindness | O'Brien | Swift |
| Kleczka | Oakar | Swindall |
| Kolbe | Obey | Tallon |
| Kolter | Olin | Tauzin |
| Kramer | Ortiz | Thomas (CA) |
| Lagomarsino | Oxley | Thomas (GA) |
| Latta | Panetta | Traxler |
| Lehman (CA) | Parris | Valentine |
| Lehman (FL) | Pashayan | Vander Jagt |
| Leland | Pickle | Visclosky |
| Lewis (CA) | Porter | Vucanovich |
| Lewis (FL) | Price | Weaver |
| Lightfoot | Quillen | Whitehurst |
| Livingston | Rahall | Whitley |
| Lloyd | Rangel | Wilson |
| Long | Ray | Wise |
| Lott | Reid | Wright |
| Lowery (CA) | Richardson | Wyden |
| Lowry (WA) | Ridge | Wylie |
| Lungren | Rinaldo | Young (AK) |
| Mack | Roemer | Young (FL) |
| MacKay | Rose | Young (MO) |
| Madigan | Roukema | Zschau |
| Manton | Rowland (CT) | |
| Marlenee | Rowland (GA) | |
| Martin (IL) | Roybal | |

NOT VOTING—6

| | | |
|---|---|---|
| Addabbo | Byron | Miller (CA) |
| Bonker | Carney | Moakley |

□ 1515

Messrs. GEKAS, DELAY, STUMP, RUDD, PARRIS, and RALPH M. HALL changed their votes from "aye" to "no."

Messrs. ROBINSON, MATSUI, GUARINI, SWEENEY, FLORIO, MILLER of Ohio, BORSKI, FOGLIETTA, SOLARZ, SCHEUER, DYMALLY, SCHUMER, and NEAL, and Mrs. COLLINS and Mrs. BURTON of California changed their votes from "no" to "aye."

So the amendment, as amended, and as modified, offered as a substitute for the amendment, was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FRANK AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. DORGAN OF NORTH DAKOTA

Mr. FRANK. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. FRANK as a substitute for the amendment offered by Mr. DORGAN of North Dakota: Page 70, strike out line 19 and all that follows thereafter through page 71, line 19, and insert in lieu thereof the following:

"(C) The established price for wheat shall be $4.38 per bushel for the 1986 crop; $4.16

per bushel for the 1987 crop; $3.96 per bushel for the 1988 crop; $3.76 per bushel for the 1989 crop; and $3.57 per bushel for the 1990 crop, respectively.

Mr. FRANK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

□ 1530

Mr. FRANK. Mr. Chairman, I realize that this bill, in its short stay on the floor, has apparently already outlasted the membership's attention span, but this is a very important amendment which I choose to offer anyway.

This is an amendment which embodies the position of the Reagan administration on this particular bill.

Mr. ROBERT F. SMITH. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN. The Chair would point out to the gentleman from Oregon that it is too late to reserve a point of order. The point of order has to be reserved before the gentleman from Massachusetts begins his remarks.

Mr. ROBERT F. SMITH. If I may, Mr. Chairman, it was very difficult to hear. I did not even hear the amendment proposed and I was timely in my reservation of my point of order, Mr. Chairman. I was attempting to get order, as the Chair was. I suggest that I did not even hear the amendment offered.

The CHAIRMAN. The Chair asked if there was objection to the waiving of the reading of the amendment and the Chair did not hear an objection.

Mr. ROBERT F. SMITH. Mr. Chairman, with due respect, I did not even hear the amendment offered, and it has never been read. I was standing here before you, sir.

The CHAIRMAN. The Chair would note that there were literally dozens of people standing. The Chair was not addressed by the gentleman from Oregon and there was a waiving of the reading of the amendment.

The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. I thank the Chairman, and I would repeat that I am sorry that this amendment, which embodies the position of the Reagan administration, has drawn the wrath of my friends, the gentleman from Oregon, on the other side. I did not mean to stir up any internecine warfare opposite by offering this position.

What this does is deal fundamentally with what seems to me to be the flaw in the agricultural programs. I voted for the past amendment that was defeated. I wish it had been adopted.

I am concerned about small farmers and family farmers, but particularly with the defeat of that amendment and with other language in this bill which in fact Members should be aware increases, in fact, the amount that can go per farm. The limit we have had per farm is increased by this bill by some technicalities.

We have here the premier means-tested program in America. Under the agricultural program perpetuated by this bill, the more you got the more you get. The President himself noted in his radio speech on agriculture about a month ago that in the past 5 years we will have spent $59 billion in agricultural subsidies, about 3 times more than we spent in the preceding 5 years. We are spending more on this than we are spending on AFDC and on food stamps. It is not only not means tested; it is antimeans tested. It is inversely means tested. The larger the farm, the more you get.

What this amendment does is embody the position of the administration, which says that the target price that we pay farmers for growing wheat for which there is no market—if there was a market for the wheat and it could be sold at a reasonable price, this would not arise—the target price that we are paying farmers for something for which there is no market would be frozen for this year but would then begin to drop 5 percent a year. The bill freezes it indefinitely in practical terms.

The position of the administration, with which I agree, is that we begin to drop it. The fundamental fact remains. Agriculture is the only profession in the country, to my knowledge, where we guarantee people to a certain extent the ability to stay there. We do not do it and should not do it with others. We do not guarantee to buy all the autos that are made or all the shoes that are made or all the shirts that are made. We are saying to wheat farmers, "Stay in business and we will buy all your wheat and we will pay you so much per bushel."

This does not amend that concept out of existence. It simply says that we will begin to reduce it by 5 percent a year. We continue to pay more people more money than we have to grow things that we do not need. I am in favor of methods of transition. Buy-outs, additional credit, efforts to ease people out of this business, I support. Continuing indefinitely to pay them more money than we have to produce what we have no conceivable market for is a mistake, and I congratulate the President on this position and I am proud to offer the amendment here.

This particular commodity, wheat, if we were to adopt this amendment drafted by the Department of Agriculture, would save, according to the estimates of the Department, over a 5-year period, $5.5 billion. We will hear a great deal about the deficit in general, but there is one problem with deficits. We cannot reduce them in general. We can only reduce them in particular, and this happens to be a very appealing particular. It would still leave large amounts of money being paid to wheat farmers, but it would begin to reduce it.

Mr. DORGAN of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. I thank the gentleman for yielding.

Mr. Chairman, I have to confess I am a bit surprised to see the gentleman from Massachusetts sound reasonably serious in offering a proposal President Reagan sent to Congress, a proposal which was rejected by both sides of the political aisle in both bodies of the U.S. Congress, and suggest that he does so in the interest of helping family farmers.

I am disappointed, awfully disappointed, that the last vote did not prevail. I think we should target the farm program, but I will tell my colleagues that when we lost the last vote, that ought not persuade anyone in this House to rush toward President Reagan's proposal on agriculture. That is, in my judgment, a death sentence for thousands and thousands of family farmers across this country.

Is the gentleman serious about this proposal?

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

(By unanimous consent, Mr. FRANK was allowed to proceed for 2 additional minutes.)

Mr. FRANK. I am very serious about this proposal, although the context is difficult. A context in which the Committee on Agriculture tells us that we should continue, for instance, to build a fort out of butter in Kansas with Federal subsidies, sets a tone for the debate in which it is hard to be totally serious. But, yes, I am serious about this.

I am serious about trying to save $5.5 billion and not perpetuating a situation in which we pay to the larger farmers more money. I did not argue that this particular amendment helps the family farmers. What I said was, I have supported earlier this year in the credit bill that was vetoed, in the gentleman's amendment which unfortunately was previously defeated, I have supported measures that have been targeted, but it is not now targeted.

What you are doing is taking billions of dollars and giving it out in a method which I know the gentleman agrees with me is not a fair one. I will continue to support efforts to target

this money better, and I will continue to support efforts to ease people out who want to get out. But to continue to pay—and I want to reiterate what I said before—in this bill because we drop the loan rate and do not drop the target price rate, we exempt in this bill apparently, and I use "we" here in the broadest possible sense, we exempt that additional amount that is going to result from the limitation.

So the result of the bill as it came out of committee is that the limitation per farm will be increased. We will be giving more to people. We heard the statistics before about who gets the money. The gentleman from Kansas talked about who got the money. This is an effort to reduce that money which is being sent out inequitably.

I will continue to support efforts to target, but we are continuing, I think, to send large amounts of money to people who ought not to need it.

Mr. DORGAN of North Dakota. If the gentleman will yield further, I have known the gentleman from Massachusetts, I guess, for probably a dozen years and have long known of his interest in agriculture and his abilities in that area.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has again expired.

(On request of Mr. DORGAN of North Dakota and by unanimous consent, Mr. FRANK was allowed to proceed for 1 additional minute.)

Mr. DORGAN of North Dakota. If the gentleman will continue to yield, I just want to say that the reason the President's proposal on these price supports was just widely rejected and quickly rejected was that in the middle of a farm crisis, with farm prices dropping, with record farm failures, you do not begin to solve this thing by taking the price supports away and reducing prices. It is the wrong way to deal with this problem.

Mr. FRANK. The problem I have with the gentleman is, yes, I have known him for a dozen years, and for all those dozen years people in the Committee on Agriculture have been for increasing the programs, and we are told that a farm crisis is a bad time to cut them, and when we do not have a farm crisis is a bad time to cut them.

The fact is that the fastest growing, most inequitably targeted entitlement program in the United States are the agricultural programs. You get entitled to money. The more money you have, the more money you get, regardless of the effect on the budget, regardless of the effect on crops. It is sui generis in our situation, and I congratulate the administration for trying to bring some sense to it.

□ 1540

Mr. GLICKMAN. Mr. Chairman, I rise in opposition to the amendment.

Somebody just commented to me that when you find BARNEY FRANK and Ronald Reagan in agreement, either they are both crazy or they are both right, and I prefer to think in this case that the former is the truth rather than the latter.

I do not mean that. BARNEY is on my subcommittee, and at least I do not mean it with respect to BARNEY.

First of all, let us get the record straight. The current farm bill that we brought to the floor does not increase target prices. It freezes target prices, does not increase them.

So to vote for this bill is not voting for an increase in target prices. What the gentleman from Massachusetts, Mr. FRANK, talks about is decreasing by 5 percent a year the target price payments to farmers.

Before you do that, you have to do it in connection with what the current economic situation is out in America. The farm credit crisis is real, people are hurting, people are struggling, people are going broke.

Now the farm prices are reaching their depression-year lows right now in the market prices out there out in the country for wheat and corn, and soybeans, and livestock.

The farmers make their money in two ways. One is through the marketplace and one is through the Government, particularly in this period of time. What I think we all would like to see is for farmers to make their money through the marketplace, but right now if they rely exclusively on the marketplace, they are dead. Everybody in this room has gone out and given lipservice to the farmers of America. Everybody has said how terrible it is that they are going broke, how bad it is that rural banks are going under, how bad it is that rural communities are in trouble.

If you vote for this amendment, you vote to accelerate the crisis that is occuring in rural America. And it is not just for the farmers, I would say to the gentleman from Massachusetts [Mr. FRANK] but it is with the small towns throughout America that depend upon the agricultural economy to survive. It means small towns all over America will suffer more distress than they already do, it means that the farmers themselves will suffer that kind of distress.

So I am just saying to you that, yes, from a purely fiscal situation, we can save money by voting for the Frank amendment. But from a purely fiscal situation for farmers, you are going to bankrupt an awful lot of them.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Massachusetts.

Mr. FRANK. First I want to say I did not assert that this bill increases target prices. What I said was there is now in the law a $50,000 per farm limitation on what a farmer could receive.

That is poverty assistance for you, $50,000 per recipient, about 10 times the total AFDC payment.

What this bill does is allow you to go above that $50,000, because it drops the loan rate and does not drop the target price, and it goes from the $50,000 limit.

The second point I would like to make is that I am in favor of helping people in economic distress. But I have to comment on the grotesque inconsistency between voting the kind of cuts that have been voted to people in genuine need all across this country over the past four years, and voting for this bill which gives some help to people who are in need, but a vaster amount to people who are wealthy and above. This does not discriminate. This does not aim at the needy or the small farmer. However, the fact is that the bigger you are, the more you grow, the more money you get.

I would be glad to help respond to the problems that the gentleman is talking about. But this still throws all of the money to all of the people, and the wealthier, the bigger, the more solvent ones get more of the money than the others.

Mr. GLICKMAN. Unfortunately, I would say by this process, by cutting the target prices, you really cut the guts out of people that need it the most.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Kansas.

Mr. ROBERTS. I thank my friend for yielding, and I want to associate myself with his remarks.

The reason that this amendment is being introduced by the gentleman from Massachusetts [Mr. FRANK] is because I would not do it. I have more wheat than any other State in my district, and the administration came to me and said, "Won't you do the administration's bidding to get this under budget and to get a farm bill more market-oriented. Won't you freeze the target prices?" I said I just wished that we could freeze spending around here all across the board.

This target price is frozen for the life of the bill at $4.38. It is under budget. I mean for those of you who still really believe in the current budget, and I have been saying for some time this farm bill is being held hostage to a budget process that is a failure, we cut $11.8 billion in a special task force on the House Agriculture Committee to get to that level.

I would make one other point. This is direct income to farmers, yes, but also payment for embargoes, for market interference, for all sorts of things, a lack of contract sanctity, for the high deficit.

51-059 O-86-39 (Pt. 18)

If this amendment passes, I would say to the gentleman from Massachusetts, it is going to be very similar to a salary or income freeze.

The CHAIRMAN. The time of the gentleman from Kansas [Mr. GLICKMAN] has expired.

(On request of Mr. ROBERTS, and by unanimous consent, Mr. GLICKMAN was allowed to proceed for 2 additional minutes.)

Mr. ROBERTS. If my friend will continue to yield, I would say to my friend from Massachusetts it would be like salaries and incomes to the Boston Red Sox held level and the New York Yankees have extra.

I would say to the gentleman from Massachusetts that the average size farm in my district is 1,000 acres. That is not because we are big farmers, that is not because we are 6 feet 1 inch or belong to the Farm Bureau as opposed to somebody 5 foot 2 inches who is a small family farmer in Massachusetts. Our average size farm is 1,000 acres because we do not have the rainfall to do otherwise and be efficient. We have to have 1,000 acres. So if we leave the dock of supply management and we get into severe targeting, which is what the gentleman has recommended, we do make the farm program a welfare program. And I do not mean to perjure it in that sense. But this is no welfare program. This is designed to get the surplus down and the price up.

I would suggest to the gentleman that he has a great deal of blood pressure for those 250-acre-size farms with six cherry trees, four peach trees, a farm pond, two dogs, one with a wooden leg, and a whole bunch of cats. And I would say to the gentleman that that is fine, and that is the family farm if he wants to describe it. But that family farm has not been an economically viable operation to produce food and fiber in this country for over 30 years.

I thank the gentleman for yielding.

Mr. PEASE. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Ohio.

Mr. PEASE. Mr. Chairman, I would just like to inquire of my friend from Kansas what the position of the American Farm Bureau is on this amendment.

Mr. GLICKMAN. I do not know, but I assume that they are in favor of this amendment.

Mr. PEASE. I wondered about that, because I am a little bit puzzled. My understanding is that the American Farm Bureau Federation is in favor of a market-oriented approach which would allow the target prices to go up or down by 5 percent a year.

Now how is that consistent with the 5-year freeze?

Mr. GLICKMAN. I think the Farm Bureau is in favor of the Frank amendment that allows a reduction in target prices. I do not know specifically.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Kansas.

Mr. ROBERTS. Mr. Chairman, could I point out to my friend and colleague what the bill really says.

The CHAIRMAN. The time of the gentleman from Kansas [Mr. GLICKMAN] has again expired.

(By unanimous consent, Mr. GLICKMAN was allowed to proceed for 3 additional minutes.)

Mr. ROBERTS. What the bill really says is we freeze the target price for 2 years, and then we make a determination with a farmer cost-of-production board working in conjunction with the USDA that is on board right now to determine if the farmers' cost of production goes down. If that is the case, we can move those target prices down.

I might add that the chairman of that board just happens to reside in my district, and in regard to lowering land values and things of that nature that could very well occur, that was the gentleman's amendment, along with this gentleman's, to make sure we freeze it for 2 years, but if, in fact, the farmer's cost of production went down, then we could lower the target prices.

Mr. GLICKMAN. I would just make one point. I say to the gentleman from Massachusetts [BARNEY FRANK] and anybody else here that there is kind of an implication that in a period of tough budgets that everybody should suffer, and I think that is true. But I want to tell you something. There are a tremendous number of people hurting as bad as they have hurt since the Great Depression right now in the midlands in America, and all throughout this country. And we are one family in this country, like when New York City was in trouble, and I like a majority of my colleagues helped that city out because I thought it would be an embarrassment to this country to see the largest city in this country in serious financial trouble. Our agricultural base is in serious trouble, and that is just not a statistic in the Washington Post. That is borne out by realities in bank failures, in suicides, in people who are hurting, in small towns closing up.

This amendment will help precipitate that.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, first I want to say to my friend from Kansas on the other side, he was apparently under the impression that I would be somehow worried about a freeze in the salary of the Boston Red Sox. I would. If it was my money, they would not get nearly that much. If people want to pay them that much, that is OK with me. It seems to me they are probably substantially overpaid, but I have no problem with that.

Second, I would say to my friend here from Kansas, yes, I agree, for people in need, OK. But that is not what this bill does.

I appreciate what the gentleman from Kansas [Mr. ROBERTS] said. He scoffed at the family farm. He said that is not for the family farm, it is to help a major industry that made some bad decisions.

I think we have to separate aid to individuals. Yes, I am for it. I voted for the farm credit bill. I voted for other things that would be helping those individuals.

This is a massive effort to continue an industrial policy for agriculture which says we will continue to subsidize people to grow, whether we need it or not. It does not begin to deal with the problem. It is not targeted and it is not aimed at people.

The gentleman from Kansas on the other side [Mr. ROBERTS] said that this is not a welfare program. Of course it is not. You know how you can tell? Because the people in it get too much money. We do not treat people on welfare that well. They do not get $50,000 and more a year. This program in the bill says that the $50,000 limit may have to be increased, and that is how you know it is not a welfare program.

Mr. GLICKMAN. Wait a second. It does not say that.

Mr. FRANK. It says if the loan rate is dropped below what it is now, it is the difference between the lower loan rate and the target price, and no one can be allowed to go above the $50,000.

The CHAIRMAN. The time of the gentleman from Kansas [Mr. GLICKMAN] has again expired.

(By unanimous consent, Mr. GLICKMAN was allowed to proceed for 1 additional minute.)

Mr. GLICKMAN. First of all, what it says is if we take action to lower the market price arbitrarily by lowering the loan rate, we will make up the difference to the farmer.

Mr. FRANK. More than $50,000 a year.

Mr. GLICKMAN. The other point I think has to be said that by doing what you are doing, I do not think the gentleman voted for the last amendment—you did? I take it back and I appreciate the vote.

But what you are doing, what you are doing is you are cutting that target price for big farmers as well as small farmers, BARNEY, and you are not making any distinction yourself.

Mr. FRANK. If the gentleman would yield, I agree.

Mr. GLICKMAN. It is untargeted that way.

Mr. FRANK. And I want to make the distinction, but you are saying the arguments in favor of the amendment I agree with. They pointed out and persuaded me that a large share of the money now goes to the bigger people. I would not argue to help the AFDC problem by giving everybody in the State of New York a lot of money. That is what you are talking about, target it, aim it.

The gentleman from Kansas on the other side [Mr. ROBERTS] said forget about the family farm, this is the way to deal with the whole agricultural industry, and I think it is a very bad way.

Mr. MARLENEE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to say to my colleagues that I can well understand the gentleman's concern for the administration's position. In 1983, he voted 17 percent, according to the Congressional Quarterly, with the Reagan administration. According to the Congressional Quarterly, in 1984 he voted 30 percent of the time with the Reagan administration. And this great concern he has about these target prices and the Reagan administration, I mean it puts a glow in my heart that the gentleman may be coming over to the Reagan position.

Now I also understand that this gentleman has a great concern about tariffs and import limitations which affect the great Northeast corridor, which are nothing more, and I would repeat are or would be nothing more than a tax on the consumers. It is very inconsistent to be talking about limiting help to wheat producers and then taxing consumers by increasing restrictions on imports that raise the price.

Why does my colleague from Massachusetts propose reducing targets? So that they can buy their product cheaper.

Well I say that the American farmer has sold his product cheap enough and long enough and to the point to where he is at the point of bankruptcy, as is evidenced from the problems in the Farm Credit System. Even the banks are going broke.

I would say that we must defeat this amendment so that we can put more income into the agricultural producers' pocket.

I thank the gentleman and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. FRANK] as a substitute for the amendment offered by the gentleman from North Dakota [Mr. DORGAN].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. FRANK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 93, noes 334, not voting 7, as follows:

[Roll No. 323]

AYES—93

| | | |
|---|---|---|
| Ackerman | Fields | Miller (WA) |
| Anderson | Florio | Monson |
| Archer | Frank | Moorhead |
| Armey | Gallo | Morrison (CT) |
| Barnes | Gibbons | Mrazek |
| Bartlett | Gingrich | Nelson |
| Bates | Goodling | Nielson |
| Beilenson | Gradison | Owens |
| Berman | Green | Packard |
| Bilirakis | Gregg | Pease |
| Bosco | Hansen | Petri |
| Broomfield | Hunter | Porter |
| Carper | Ireland | Ritter |
| Carr | Jacobs | Schroeder |
| Chandler | Johnson | Schulze |
| Cheney | Kolbe | Shaw |
| Clinger | Kostmayer | Shumway |
| Cobey | Lagomarsino | Smith (NH) |
| Coble | Livingston | Snowe |
| Conte | Lowery (CA) | Solarz |
| Coughlin | Lujan | Studds |
| Courter | Luken | Swindall |
| Crane | Lungren | Thomas (CA) |
| Dannemeyer | Mack | Torricelli |
| DeLay | Markey | Vento |
| DioGuardi | Mazzoli | Walker |
| Dornan (CA) | McCain | Waxman |
| Dreier | McCandless | Weiss |
| Early | McCollum | Whitehurst |
| Eckert (NY) | McDade | Young (FL) |
| Fawell | McKinney | Zschau |

NOES—334

| | | |
|---|---|---|
| Akaka | Cooper | Gilman |
| Alexander | Coyne | Glickman |
| Andrews | Craig | Gonzalez |
| Annunzio | Crockett | Gordon |
| Anthony | Daniel | Gray (IL) |
| Applegate | Darden | Gray (PA) |
| Aspin | Daschle | Grotberg |
| Atkins | Daub | Guarini |
| AuCoin | Davis | Gunderson |
| Badham | de la Garza | Hall (OH) |
| Barnard | Dellums | Hall, Ralph |
| Barton | Derrick | Hamilton |
| Bateman | DeWine | Hammerschmidt |
| Bedell | Dickinson | Hartnett |
| Bennett | Dicks | Hatcher |
| Bentley | Dingell | Hawkins |
| Bereuter | Dixon | Hayes |
| Bevill | Donnelly | Hefner |
| Biaggi | Dorgan (ND) | Heftel |
| Billey | Dowdy | Hendon |
| Boehlert | Downey | Henry |
| Boggs | Duncan | Hertel |
| Boland | Durbin | Hiler |
| Boner (TN) | Dwyer | Hillis |
| Bonior (MI) | Dymally | Holt |
| Bonker | Dyson | Hopkins |
| Borski | Eckart (OH) | Horton |
| Boucher | Edgar | Howard |
| Boulter | Edwards (CA) | Hoyer |
| Boxer | Emerson | Hubbard |
| Breaux | English | Huckaby |
| Brooks | Erdreich | Hughes |
| Brown (CA) | Evans (IA) | Hutto |
| Brown (CO) | Evans (IL) | Hyde |
| Broyhill | Fascell | Jeffords |
| Bruce | Fazio | Jenkins |
| Bryant | Feighan | Jones (NC) |
| Burton (CA) | Fiedler | Jones (OK) |
| Burton (IN) | Fish | Jones (TN) |
| Bustamante | Flippo | Kanjorski |
| Byron | Foglietta | Kaptur |
| Callahan | Foley | Kasich |
| Campbell | Ford (MI) | Kastenmeier |
| Chapman | Ford (TN) | Kemp |
| Chappell | Fowler | Kennelly |
| Chappie | Franklin | Kildee |
| Clay | Frenzel | Kindness |
| Coats | Frost | Kleczka |
| Coelho | Fuqua | Kolter |
| Coleman (MO) | Garcia | Kramer |
| Coleman (TX) | Gaydos | LaFalce |
| Collins | Gejdenson | Lantos |
| Combest | Gekas | Latta |
| Conyers | Gephardt | Leach (IA) |
| Leath (TX) | Panetta | Smith, Robert |
| Lehman (CA) | Parris | Snyder |
| Lehman (FL) | Pashayan | Solomon |
| Leland | Penny | Spence |
| Lent | Pepper | Spratt |
| Levin (MI) | Perkins | St Germain |
| Levine (CA) | Pickle | Staggers |
| Lewis (CA) | Price | Stallings |
| Lewis (FL) | Pursell | Stangeland |
| Lightfoot | Quillen | Stark |
| Lipinski | Rahall | Stenholm |
| Lloyd | Rangel | Stokes |
| Loeffler | Ray | Strang |
| Long | Regula | Stratton |
| Lott | Reid | Stump |
| Lowry (WA) | Richardson | Sundquist |
| Lundine | Ridge | Sweeney |
| MacKay | Rinaldo | Swift |
| Madigan | Roberts | Synar |
| Manton | Robinson | Tallon |
| Marlenee | Rodino | Tauke |
| Martin (IL) | Roe | Tauzin |
| Martin (NY) | Roemer | Taylor |
| Martinez | Rogers | Thomas (GA) |
| Matsui | Rose | Torres |
| Mavroules | Rostenkowski | Towns |
| McCloskey | Roth | Traficant |
| McCurdy | Roukema | Traxler |
| McEwen | Rowland (CT) | Udall |
| McGrath | Rowland (GA) | Valentine |
| McHugh | Roybal | Vander Jagt |
| McKernan | Rudd | Visclosky |
| McMillan | Russo | Volkmer |
| Meyers | Sabo | Vucanovich |
| Mica | Savage | Walgren |
| Michel | Saxton | Watkins |
| Mikulski | Schaefer | Weaver |
| Miller (OH) | Scheuer | Weber |
| Mineta | Schneider | Wheat |
| Molinari | Schuette | Whitley |
| Mollohan | Schumer | Whittaker |
| Montgomery | Seiberling | Whitten |
| Moody | Sensenbrenner | Williams |
| Moore | Sharp | Wilson |
| Morrison (WA) | Shelby | Wirth |
| Murphy | Shuster | Wise |
| Murtha | Sikorski | Wolf |
| Myers | Siljander | Wolpe |
| Natcher | Sisisky | Wortley |
| Neal | Skeen | Wright |
| Nichols | Skelton | Wyden |
| Nowak | Slattery | Wylie |
| O'Brien | Slaughter | Yates |
| Oberstar | Smith (FL) | Yatron |
| Obey | Smith (IA) | Young (AK) |
| Olin | Smith (NE) | Young (MO) |
| Ortiz | Smith (NJ) | |
| Oxley | Smith, Denny | |

NOT VOTING—7

| | | |
|---|---|---|
| Addabbo | Miller (CA) | Oakar |
| Carney | Mitchell | |
| Edwards (OK) | Moakley | |

□ 1605

Mr. COBLE changed his vote from "no" to "aye."

So the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. DORGAN of North Dakota. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Without objection, the gentleman from North Dakota [Mr. DORGAN] is recognized for 5 minutes.

There was no objection.

Mr. DORGAN of North Dakota. Mr. Chairman, I just wanted to point out where we are. I offered the base amendment to try to target price supports.

That was substituted by the Stangeland-Glickman approach which included targeting price supports and the

marketing loan concept. We have had a rather substantial debate on targeting price supports. We lost this afternoon. I am very disappointed by that loss.

I wish we had targeted price supports because I think it was the right thing to do.

I had worked with Congressman GLICKMAN and others in the substitute that was offered to try to target these price supports. I supported that. I thought it was the right thing.

We are now left with the base amendment which I introduced, so that we could provide access to debate the Stangeland-Glickman amendment. I do not intend to seek a recorded vote on my amendment.

I did want to say this: that if the amendment does not prevail, inasmuch as we have had this debate this afternoon, the other body has taken action to target price supports. I am hoping the House of Representatives, as we move down this road toward conference, will still consider the interests of many of us in the House to target price supports. But I did want to take the floor to say that I do not intend, because of the debate we have had on the Glickman amendment and because of the result of that vote, to seek a recorded vote on my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota [Mr. DORGAN].

The amendment was rejected.

AMENDMENT OFFERED BY MR. BOULTER

Mr. BOULTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOULTER: Page 75, line 9, strike out "July 1" and insert in lieu thereof "May 1".

Page 77, line 24, strike out "July 1" and insert in lieu thereof "May 1".

Page 79, line 6, strike out "July 1" and insert in lieu thereof "May 1".

Mr. BOULTER. Mr. Chairman, I have a very simple, straightforward amendment dealing with the announcement date for wheat. It is an idea I picked up in my town hall meetings in my district in Texas. If you all have wheat farmers in your districts and visit with them, you have heard the same thing. It would simply move the announcement date up from July 1 to May 1.

**Mr. Chairman, the first thing I would like to do is explain my amendment which is desperately needed by wheat farmers in this country.**

**Each year the wheat program is announced for the following year allowing farmers to plan the next year's crop. The announcement includes program requirements for crop reduction and/or set-asides, as well as information on any plans for a paid diversion.**

**In my district and all of Texas, and indeed all winter wheat areas, the present July 1 date for the wheat program announcement is far too late to be of benefit to farmers.**

**Let me explain why, contrary to popular belief, the beginning of next year's crop starts on harvest day and not on planting day. In fact many farmers follow behind their harvesters with a plow that starts preparing the fields for the next crop. In winter wheat areas, harvest begins in May and usually ends by August. In Texas and surrounding areas 25 percent of the harvest is complete by June 1 and 75 percent of the harvest has been completed by July 1.**

**A typical farmer in my district will plow his field immediately after he has harvested his crop. In the next 6 to 8 weeks he will work his field to kill weeds, treat it for diseases, and fertilize the field. All this before planting. Planting starts in September.**

**Field preparation costs close to 70 percent of the total expenses that he will expend on his crop investment. With the current July 1 announcement date, decisions must be made without the benefit of knowing next year's program requirements: how many acres to prepare for planting, questions about fuel, chemicals, and labor costs, unnecessarily costing the farmer money.**

**As you can see, many farmers who harvest their crop before the annoucement date have already invested time and money into a crop when they find out what the program actually will require.**

**The following organizations have endorsed my amendment: The Texas Wheat Growers, the National Association of Wheat Growers, The Texas Farm Bureau, The American Farm Bureau Federation, and the American Agriculture Movement. In addition, the National Farmers Union has endorsed moving the announcement date forward.**

**Mr. Chairman, I hope my colleagues will support my efforts to help the farmer do the job he does so well—feed America and the world. The Wheat Program announcement should be made in time for the farmers to make prudent decisions.**

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. BOULTER. I yield to the gentleman from Washington.

Mr. FOLEY. I thank the gentleman for yielding.

Mr. Chairman, as I understand the amendment of the gentleman, it would require the Secretary to make an announcement of the wheat program on May 1 but also allows him to amend it up to July 15.

Mr. BOULTER. Yes; we do not tamper with the current law which allows the Secretary to revise his estimates.

Mr. FOLEY. Mr. Chairman, we have examined the amendment on this side and have no objection to its adoption.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. BOULTER. I would be happy to yield to the gentleman from Kansas.

Mr. ROBERTS. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the amendment. Wheat producers are once again being forced to plant the winter wheat crop without knowing what the Government program will be next year. It seems, that it is a problem every year. When the process denies producers program decisions, they cannot make intelligent planting decisions.

Several years ago, I led an effort to mandate an early announcement of July 1. This was a vast improvement over the August 15 deadline that was in the law at that time. I commend the gentleman from Texas for taking the issue one step further and offering the May 1 deadline for the Secretary of Agriculture to announce the wheat program.

This amendment will provide the farmer with what he needs most—consistency and predictability and a better planning horizon to that he can make more rational business decisions on his cropping plans. As one producer told me recently, "Pat, I don't care what the USDA and the Congress do to me, just let me know." This amendment would let wheat producers know in time to make their decisions.

At the time, the House considered and passed the early announcement bill 2 years ago I argued for the May 15 deadline and the July 1 date was compromise. USDA made the valid point that sometimes the wheat supply picture changes so dramatically that a May announcement date would cause problems. The surplus is as great as ever, and it appears that we will be in a permanent state of surplus so I certainly don't see any problems with making that announcement date May 1, with the flexibility as the committee bill has to alter the program announcement if the wheat supply demand estimates change substantially.

I urge my colleagues to support the gentleman from Texas. His amendment is a good one.

I urge the House to adopt this amendment.

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. BOULTER. I would be happy to yield to my friend from Oklahoma.

Mr. ENGLISH. I thank the gentleman for yielding.

Mr. Chairman, I join in support of the amendment. I think it is an outstanding one. It is certainly important to our part of the country in Oklahoma and Texas and all that region that we have an early announcement so that our farmers have some idea what the program is.

I thank the gentleman.

Mr. COMBEST. Mr. Chairman, will the gentleman yield?

Mr. BOULTER. I yield to my colleague from Texas.

Mr. COMBEST. I thank the gentleman for yielding.

Mr. Chairman, I would like to say I totally and fully support the amendment of the gentleman from Texas [Mr. BOULTER] and appreciate the fact that he would take the initiative to do it. It certainly has strong support from the wheat producers in my district as well.

Mr. BOULTER. Mr. Chairman, several speakers have risen to say that the present date of July 1 is simply too late. Farmers generally follow their harvesters with the plow. They need the information in time. Seventy percent of their crop investment is made before the announcement date comes out. I might just point out in closing, Mr. Chairman, that this amendment is supported by the Texas Wheat Growers, the National Association of Wheat Growers, the Texas Farm Bureau, and the American Farm Bureau Federation, and the American Agricultural Movement, and the National Farmers Union have endorsed moving the announcement date forward.

□ 1620

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BOULTER].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title IV?

If not, the Clerk will designate title V.

The text of title V is as follows.

*TITLE V—FEED GRAINS*

*LOAN RATES, TARGET PRICES, DISASTER PAYMENTS, ACREAGE LIMITATION AND SET-ASIDE PROGRAMS, AND LAND DIVERSION PAYMENTS FOR THE 1986 THROUGH 1990 CROPS OF FEED GRAINS*

*SEC. 501. Effective only for the 1986 through 1990 crops of feed grains, the Agricultural Act of 1949 is amended by adding after section 105B (7 U.S.C. 1444d) the following:*

*"SEC. 105C. Notwithstanding any other provision of law—*

*"(a)(1) For any crop of feed grains for which a national marketing certificate program is not in effect under title V, loans and purchases shall be made available to producers as provided in this subsection.*

*"(2)(A) Unless the Secretary, at the Secretary's discretion, makes available loans to producers under paragraph (3) for a crop of corn, the Secretary shall make available to producers on each farm loans and purchases for each of the 1986 through 1990 crops of corn for an amount of corn of such crop produced on the farm equal to the acreage on the farm planted to corn for harvest times the farm's program yield for the crop. Loans and purchases under this paragraph shall be made available during each of the five marketing years for such crops of corn, beginning with the marketing year for the 1986 crop, at such level per bushel—not less than 75 per centum nor more than 85 per centum of the simple average price per bushel received by farmers (as determined by the Secretary) during the immediately preceding five marketing years, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period—as the Secretary determines will encourage the exportation of feed grains and not result in excessive stocks of feed grains after taking into consideration the cost of producing corn, supply and demand conditions, and world prices for corn, except that the level of corn loans and purchases for a marketing year, including the marketing year for the 1986 crop of corn, may not be established under the foregoing formula at a level that is less than 95 per centum of the level of loans and purchases for the preceding marketing year (as determined before any reduction in the level of loans and purchases made under the following sentence). Notwithstanding the foregoing provisions of this subparagraph, if the Secretary determines (i) that the average price of corn received by producers in the previous marketing year (including the marketing year for the 1985 crop of corn) was not more than 105 per centum of the level of loans and purchases for corn for such marketing year, or (ii) that the loan level computed under the foregoing provisions would discourage the exportation of corn and cause excessive stocks of corn in the United States, the Secretary may reduce the level of loans and purchases for corn for the marketing year by the amount the Secretary determines necessary to maintain domestic and export markets for grain, except that the level of loans and purchases shall not be so reduced in any year to a level less than 80 per centum of the level of loans and purchases as determined under the preceding sentence. The simple average price received by farmers for the immediately preceding marketing year shall be based on the latest information available to the Secretary at the time of the determination.*

*"(B) Unless the Secretary, at the Secretary's discretion, makes available loans to producers under paragraph (3) for a crop of grain sorghums, barley, oats, or rye, the Secretary shall make available to producers under this paragraph loans and purchases for each of the 1986 through 1989 crops of grain sorghums, barley, oats, and rye, respectively, at such level as the Secretary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn under this paragraph, taking into consideration the feeding value of such commodity in relation to corn and other factors specified in section 401(b) of this Act.*

*"(3)(A) The Secretary may make available recourse loans to producers during each of the five marketing years for corn, beginning with the marketing year for the 1986 crop, at such level per bushel—not less than 75 per centum nor more than 85 per centum of the simple average price per bushel received by farmers (as determined by the Secretary) during the immediately preceding five marketing years, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period—as the Secretary determines will encourage the exportation of feed grains and not result in excessive stocks of feed grains after taking into consideration the cost of producing corn, supply and demand conditions, and world prices for corn. The level of corn loans and purchases for a marketing year, including the marketing year for the 1986 crop of corn, may not be established under the foregoing formula at a level that is less than 95 per centum of the level of loans and purchases for the preceding marketing year. The simple average price received by farmers for the immediately preceding marketing year shall be based on the latest information available to the Secretary at the time of the determination. The maximum term for any loan under this paragraph shall be 270 days.*

*"(B) The Secretary may make available to producers under this paragraph recourse loans for each of the 1986 through 1990 crops of grain sorghums, barley, oats, and rye, respectively, at such level as the Secretary determines is fair and reasonable in relation to the level that recourse loans are made available under this paragraph for corn, taking into consideration the feeding value of such commodity in relation to corn and other factors specified in section 401(b) of this Act.*

*"(D) A producer may repay a loan made under subparagraph (A) or (B) at a level (per bushel) that is the lesser of—*

*"(i) the original loan level; or*

*"(ii) at any time through the date of maturity of the loan that the producer redeems the feed grain under loan—*

*"(I) the then current State monthly weighted average market price (per bushel) for the feed grain, as adjusted for each county in the State, received by farmers, as determined by the Secretary; or*

*"(II) the then current State weekly or daily weighted average market price (per bushel) for the feed grain, as adjusted for each county in the State, received by farmers, as determined by the Secretary, if the Secretary determines that it is administratively feasible and reduces the fluctuation in the repayment market price for producers.*

*"(b)(1)(A)(i) The Secretary shall make available to producers payments for each of the 1986 through 1990 crops of corn, grain sorghums, oats, and, if designated by the Secretary, barley for which a national marketing certificate program is not in effect under title V in an amount computed as provided in this paragraph. Payments for any crop of feed grains shall be computed by multiplying (I) the payment rate, by (II) the farm program acreage for the crop, by (III) the farm's program yield for the crop.*

*"(ii) Whenever an acreage limitation program is in effect for a crop of feed grains, if producers on a farm devote a portion of the farm's permitted feed grain acreage (as determined under subsection (e)(2)) equal to more than 5 per centum of the farm's feed grain crop acreage base for the crop to conservation uses or nonprogram crops, such portion of the feed grain permitted acreage in excess of 5 per centum of the base devoted to conservation uses or nonprogram crops shall be considered as part of the farm's feed grain program acreage and the producers shall be eligible for payments under this paragraph on such acreage, subject to the producers' compliance with the next sentence. To be eligible for payments under the preceding sentence, the producers on the farm must actually plant feed grains for harvest on at least 50 per centum of the farm's feed grain crop acreage base. The farm's feed grain crop acreage base and feed grain program yield shall not be reduced due to the fact that such portion of the farm's permitted acreage was devoted to conserving uses or nonprogram crops.*

*"(iii) Other than as provided in clause (ii), payments may not be made under this paragraph for any crop on a greater acreage than the acreage actually planted to feed grains.*

*"(B) The payment rate for a crop of corn shall be the amount by which the established price for the crop of corn (less 6 cents per bushel if the Secretary establishes a feed grain export certificate program for the crop*

*under section 107F(a)) exceeds the higher of—*

*"(i) the national weighted average market price received by farmers during the first five months of the marketing year for such crop, as determined by the Secretary, or*

*"(ii) the loan level determined under subsection (a), before any adjustment made under the third sentence in subsection (a)(2)(A) for the marketing year for such crop of corn.*

*"(C) The established price for the 1986 and 1987 crops of corn shall be $3.03 per bushel, and for each of the 1988, 1989, and 1990 crops of corn shall be a price determined by the Secretary that is not less than 110 per centum nor more than 125 per centum of the simple average price per bushel received by farmers (as determined by the Secretary) during the marketing years for the immediately preceding five crops, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period. The established price for a crop of corn may not be established under the foregoing formula at a level that is less than 95 per centum of the established price for the preceding crop of corn, nor may the Secretary set the established price for the 1988, 1989, or 1990 crop of corn at a level less than the level for the preceding crop of corn unless the Secretary certifies to Congress at the time the Secretary announces the program for the crop that the costs of production for such crop of corn for all producers, as estimated by the Economic Research Service of the Department of Agriculture in consultation with the National Agricultural Cost of Production Standards Review Board, will be 5 per centum below the cost of production for the previous crop of corn for all producers. The simple average price received by farmers for the immediately preceding marketing year shall be based on the latest information available to the Secretary at the time of the determination.*

*"(D)(i) Notwithstanding the foregoing provisions of this section, if the Secretary adjusts the level of loans and purchases for corn in accordance with the third sentence in subsection (a)(2)(A), the Secretary shall provide emergency compensation by increasing the established price payments for corn by such amount as the Secretary determines necessary to provide the same total return to producers as if the adjustment in the level of loans and purchases had not been made.*

*"(ii) In determining the payment rate, per bushel, for established price payments for a crop of corn under this subparagraph, the Secretary shall use the national weighted average market price, per bushel of corn, received by farmers during the marketing year for such crop, as determined by the Secretary.*

*"(iii) Any payments under this subparagraph shall not be included in the payments subject to limitations under the provisions of section 1011 of the Food Security Act of 1985.*

*"(E) The payment rate for grain sorghums, oats, and, if designated by the Secretary, barley shall be such rate as the Secretary determines fair and reasonable in relation to the rate at which payments are made available for corn.*

*"(F) The total quantity of feed grains on which payments would otherwise be payable to a producer on a farm for any crop under this paragraph shall be reduced by the quantity on which any disaster payment is made to the producer for the crop under paragraph (2).*

*"(2)(A) Except as otherwise provided in subparagraph (C), if the Secretary determines that the producers on a farm are prevented from planting any portion of the acreage intended for feed grains to feed grains or other nonconserving crops because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the Secretary shall make a prevented planting disaster payment to the producers on the number of acres so affected but not to exceed the acreage planted to feed grains for harvest (including any acreage that the producers were prevented from planting to feed grains or other nonconserving crop in lieu of feed grains because of drought, flood, or other natural disaster, or other condition beyond the control of the producers) in the immediately preceding year, multiplied by 75 per centum of the farm's program yield for feed grains established by the Secretary for such crop times a payment rate equal to 33⅓ per centum of the established price for the crop. Payments made by the Secretary under this subparagraph may be made in the form of cash or from stocks of feed grains held by the Commodity Credit Corporation.*

*"(B) Except as otherwise provided in subparagraph (C), if the Secretary determines that because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the total quantity of feed grains that the producers are able to harvest on any farm is less than the result of multiplying 60 per centum of the farm's program yield for feed grains established by the Secretary for such crop by the acreage planted for harvest for such crop, the Secretary shall make a reduced yield disaster payment to the producers at a rate equal to 50 per centum of the established price for the crop for the deficiency in production below 60 per centum for the crop.*

*"(C) Producers on a farm shall not be eligible for prevented planting disaster payments under subparagraph (A) if prevented planting crop insurance is available to them under the Federal Crop Insurance Act with respect to their feed grain acreage. Producers on a farm shall not be eligible for reduced yield disaster payments under subparagraph (B) if crop insurance on the growing crop is available to them under the Federal Crop Insurance Act with respect to their feed grain acreage.*

*"(D) Notwithstanding the provisions of subparagraph (C), the Secretary may make disaster payments to producers on a farm under this paragraph whenever the Secretary determines that—*

*"(i) as the result of drought, flood, or other natural disaster, or other condition beyond the control of the producers, producers on a farm have suffered substantial losses of production either from being prevented from planting feed grains or other nonconserving crop or from reduced yields, and that such losses have created an economic emergency for the producers;*

*"(ii) crop insurance indemnity payments under the Federal Crop Insurance Act and other forms of assistance made available by the Federal Government to such producers for such losses are insufficient to alleviate such economic emergency; and*

*"(iii) additional assistance must be made available to such producers to alleviate the economic emergency.*

*The Secretary may make such adjustments in the amount of payments made available under this subparagraph with respect to individual farms so as to ensure the equitable allotment of such payments among producers taking into account other forms of Federal disaster assistance provided to the producers for the crop involved.*

*"(c)(1) The Secretary shall proclaim a national program acreage for each of the 1986 through 1990 crops of feed grains. The proclamation shall be made not later than September 30 of each calendar year for the crop harvested in the next succeeding calendar year, except that for the 1986 crop the proclamation shall be made as soon as practicable after the date of the enactment of the Food Security Act of 1985. The Secretary may revise the national program acreage first proclaimed for any crop for the purpose of determining the allocation factor under paragraph (2) if the Secretary determines it necessary based on the latest information, and the Secretary shall proclaim such revised national program acreage as soon as it is made. The national program acreage for feed grains shall be the number of harvested acres the Secretary determines (on the basis of the weighted national average of the feed grain program yields for the crop for which the determination is made) will produce the quantity (less imports) that the Secretary estimates will be used domestically and for export during the marketing year for such crop. If the Secretary determines that carryover stocks of feed grains are excessive or an increase in stocks is needed to ensure desirable carryover, the Secretary may adjust the national program acreage by the amount the Secretary determines will accomplish the desired increase or decrease in carryover stocks.*

*"(2) The Secretary shall determine a program allocation factor for each crop of feed grains. The allocation factor for feed grains shall be determined by dividing the national program acreage for the crop by the number of acres that the Secretary estimates will be harvested for such crop, except that in no event may the allocation factor for any crop of feed grains be more than 100 per centum nor less than 80 per centum.*

*"(3) Except as provided in subsection (e)(2), the individual farm program acreage for each crop of feed grains shall be determined by multiplying the allocation factor by the acreage of feed grains planted for harvest on the farms for which individual farm program acreages are required to be determined. The farm program acreage shall not be further reduced by application of the allocation factor if the producers reduce the acreage on the farm planted to feed grains for harvest from the feed grain crop acreage base established for the farm for the crop under title VI by at least the percentage recommended by the Secretary in the proclamation of the national program acreage. The Secretary shall provide fair and equitable treatment for producers on farms on which the acreage planted to feed grains for harvest is less than the feed grain crop acreage base established for the farm for the crop under title VI, but for which the reduction is insufficient to exempt the farm from the application of the allocation factor. In establishing the allocation factor for feed grains, the Secretary may make such adjustment as the Secretary deems necessary to take into account the extent of exemption of farms under the foregoing provisions of this paragraph.*

*"(d) The program yields for farms for each crop of feed grains shall be determined under title VI.*

*"(e)(1) Notwithstanding any other provision of law—*

*"(A) Except as otherwise provided in subparagraph (B), the Secretary may provide*

for any crop of feed grains either a program under which the acreage planted to feed grains would be limited as described in paragraph (2) or a set-aside program as described in paragraph (3) if the Secretary determines that the total supply of feed grains, in the absence of such a program, will be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. The Secretary shall announce any feed grain acreage limitation program or set-aside program under this subsection not later than September 30 prior to the calendar year in which the crop is harvested, and the Secretary may make appropriate adjustments in such announcement for the feed grain acreage limitation program or the set-aside program not later than October 30 before the calendar year in which the crop is harvested, if the Secretary determines that there has been a significant change in the total supply of feed grains since the earlier announcement. Notwithstanding the preceding sentence, the Secretary shall announce the feed grain acreage limitation program for the 1986 crop under subparagraph (B) as soon as practicable after the date of the enactment of the Food Security Act of 1985.

"(B)(i) For the 1986 crop of feed grains, the Secretary shall provide for an acreage limitation program, as described in paragraph (2), under which the acreage on the farm planted to feed grains for harvest will be limited to the feed grain acreage base for the farm for the crop reduced by a total of 20 per centum, except that, for producers who plant the 1986 crop of feed grains before the announcement by the Secretary of the feed grain acreage limitation program for that crop, the Secretary shall provide for a combination of (I) an acreage limitation program, and (II) a paid diversion program, as described in paragraph (5), under which the acreage on the farm planted to feed grains for harvest will be limited to the feed grain crop acreage base for the farm for the crop reduced by 10 per centum under the acreage limitation program and by an additional 10 per centum under the paid diversion program.

"(ii) With respect to any of the 1987 through 1990 crops of feed grains, if the Secretary estimates, not later than September 30 of the year prior to the calendar year in which the crop is harvested, that the quantity of feed grains on hand in the United States on the first day of the marketing year for that crop (not including any quantity of feed grains of that crop) will exceed 1,100,000,000 bushels, the Secretary (I) shall provide for an acreage limitation program, as described in paragraph (2), under which the acreage planted to feed grains for harvest on a farm would be limited to the feed grain crop acreage base for the farm for the crop reduced by not less than 10 per centum, and (II) may provide for a paid diversion program, as described in paragraph (5), or an additional acreage limitation for any desired reduction in planted acreage in excess of 10 per centum of the feed grain crop acreage base for the farm.

"(iii) As a condition of eligibility for loans, purchases, and payments for any such crop of feed grains, the producers on a farm must comply with the terms and conditions of the acreage limitation program and, if applicable, the paid diversion program.

"(2) If the feed grain acreage limitation program is announced under paragraph (1), such limitation shall be achieved by applying a uniform percentage reduction to the feed grain crop acreage base for the crop for each feed grain-producing farm. Producers who knowingly produce feed grains in excess of the permitted feed grain acreage for the farm shall be ineligible for feed grain loans, purchases, and payments with respect to that farm. The Secretary may provide that no producer of malting barley shall be required as a condition of eligibility for feed grain loans, purchases, and payments to comply with any acreage limitation under this paragraph if such producer has previously produced a malting variety of barley for harvest, plants barley only of an acceptable malting variety for harvest, and meets such other conditions as the Secretary may prescribe. Feed grain acreage bases for each crop of feed grains shall be determined under title VI. A number of acres on the farm determined by dividing (A) the product obtained by multiplying the number of acres required to be withdrawn from the production of feed grains times the number of acres actually planted to feed grains by (B) the number of acres authorized to be planted to feed grains under the limitation established by the Secretary shall be devoted to conservation uses, in accordance with regulations issued by the Secretary. The number of acres so determined is hereafter in this subsection referred to as 'reduced acreage'. If an acreage limitation program is announced under paragraph (1) for a crop of feed grains, subsection (c) shall not be applicable to such crop, including any prior announcement that may have been made under such subsection with respect to such crop. Except as otherwise provided in subsection (b)(1)(A)(ii), the individual farm program acreage shall be the acreage on the farm planted to feed grains for harvest within the permitted feed grain acreage for the farm as established under this paragraph.

"(3) If a set-aside program is announced under paragraph (1), then as a condition of eligibility for loans, purchases, and payments authorized by this section, the producers on a farm must setaside and devote to conservation uses an acreage of cropland equal to a specified percentage, as determined by the Secretary, of the acreage of feed grains planted for harvest for the crop for which the set-aside is in effect. The set-aside acreage shall be devoted to conservation uses, in accordance with regulations issued by the Secretary. If a set-aside program is established, the Secretary may limit the acreage planted to feed grains. Such limitation shall be applied on a uniform basis to all feed grain-producing farms. The Secretary may make such adjustments in individual set-aside acreages under this paragraph as the Secretary determines necessary to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop-rotation practices, types of soil, soil and water conservation measures, topography, and such other factors as the Secretary deems necessary.

"(4) The regulations issued by the Secretary under paragraphs (2) and (3) with respect to acreage required to be devoted to conservation uses shall ensure protection of such acreage from weeds and wind and water erosion. The Secretary may permit, subject to such terms and conditions as the Secretary may prescribe, all or any part of such acreage to be devoted to sweet sorghum, hay and grazing, or the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago ovato, flaxseed, triticale, rye, or other commodity, if the Secretary determines that such production is needed to provide an adequate supply of such commodities, is not likely to increase the cost of the price support program, and will not affect farm income adversely.

"(5) The Secretary may make land diversion payments to producers of feed grains, whether or not an acreage limitation or set-aside program for feed grains is in effect, if the Secretary determines that such land diversion payments are necessary to assist in adjusting the total national acreage of feed grains to desirable goals. Such land diversion payments shall be made to producers who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in accordance with land diversion contracts entered into the Secretary with such producers. The amounts payable to producers under land diversion contracts may be determined through the submission of bids for such contracts by producers in such manner as the Secretary may prescribe or through such other means as the Secretary determines appropriate. In determining the acceptability of contract offers, the Secretary shall take into consideration the extent of the diversion to be undertaken by the producers and the productivity of the acreage diverted. The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to affect adversely the economy of the county or local community.

"(6) Any reduced acreage, set-aside acreage, and additional diverted acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies. The Secretary may pay an appropriate share of the cost of practices designed to carry out the purposes of the foregoing sentence. The Secretary may also pay an appropriate share of the cost of approved soil and water conservation practices (including practices that may be effective for a number of years) established by the producer on reduced acreage, set-aside acreage, or additional diverted acreage. The Secretary may provide for an additional payment on such acreage in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit, without other compensation, access to all or such portion of the farm as the Secretary may prescribe, by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

"(7) An operator of a farm desiring to participate in the program conducted under this subsection shall execute an agreement with the Secretary providing for such participation not later than such date as the Secretary may prescribe. The Secretary, by mutual agreement with producers on the farm, may terminate or modify any such agreement if the Secretary determines such action necessary because of an emergency created by drought or other disaster or to prevent or alleviate a shortage in the supply of agricultural commodities.

"(8) In carrying out the program conducted under this subsection, the Secretary may prescribe production targets for participating farms expressed in bushels of production so that all participating farms achieve the same pro rata reduction in production as prescribed by the national production targets.

"(f) If the failure of a producer to comply fully with the terms and conditions of the program conducted under this section precludes the making of loans, purchases, and

*payments, the Secretary, nevertheless, may make such loans, purchases, and payments in such amounts as the Secretary determines to be equitable in relation to the seriousness of the failure. The Secretary may authorize the county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act to waive or modify deadlines and other program requirements in cases in which lateness or failure to meet such other requirements does not affect adversely the operation of the program.*

*"(g) The Secretary may issue such regulations as the Secretary determines necessary to carry out the provisions of this section.*

*"(h) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.*

*"(i) The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (relating to assignment of payments) shall apply to payments under this section.*

*"(j) The Secretary shall provide for the sharing of payments made under this section for any farm among the producers on the farm on a fair and equitable basis.*

*"(k) Notwithstanding any other provision of law, compliance on a farm with the terms and conditions of any other commodity program may not be required as a condition of eligibility for loans, purchases, or payments under this section if an acreage limitation program is established under subsection (e)(2), but may be required if a set-aside program is established under subsection (e)(3).".*

*NONAPPLICABILITY OF SECTION 105 OF THE AGRICULTURAL ACT OF 1949*

*SEC. 502. Section 105 of the Agricultural Act of 1949 (7 U.S.C. 1444b) shall not be applicable to the 1986 through 1989 crops of feed grains.*

The CHAIRMAN. Are there any amendments to title V?

If not, the Clerk will designate title VA.

The text of title VA is as follows:

*TITLE VA—PRODUCER-APPROVED WHEAT AND FEED GRAIN PROGRAMS*

*REFERENDA AND PRODUCTION ACREAGES, MARKETING CERTIFICATES, AND MINIMUM LOAN RATES FOR THE 1986 THROUGH 1990 CROPS OF WHEAT AND FEED GRAINS*

*SEC. 551. Effective only for the 1986 through 1990 crops, the Agricultural Act of 1949 (7 U.S.C. 1461 et seq.) is amended by adding at the end thereof a new title V as follows:*

*"TITLE V—REFERENDA AND PRODUCTION ACREAGES, MARKETING CERTIFICATES, AND MINIMUM LOAN RATES FOR THE 1986 THROUGH 1990 CROPS OF WHEAT AND FEED GRAINS*

*"FINDINGS AND POLICY*

*"SEC. 501. (a) Congress finds that—*

*"(1) wheat and feed grains are essential agricultural commodities for the Nation, are produced throughout the United States by hundreds of thousands of farmers, and along with their products flow in substantial amounts through instrumentalities of interstate and foreign commerce from producers to consumers;*

*"(2) abnormally excessive and abnormally deficient supplies of wheat and feed grains on the country-wide market acutely and directly affect, burden, and obstruct interstate and foreign commerce; and*

*"(3) interstate and foreign commerce in wheat and feed grains, and their products, should be protected from burdensome surpluses and disruptive shortages, a supply of the commodities should be maintained to meet domestic consumption needs and export demand, and soil and water resources of the Nation should not be squandered in the production of surplus burdensome supplies of the commodities.*

*"(b) It hereby is declared to be the policy of Congress that it is in the interest of the general welfare to assist in the marketing of wheat and feed grains for domestic consumption and export; to regulate interstate and foreign commerce in the commodities to the extent necessary to provide an orderly, adequate, and balanced flow of the commodities in interstate and foreign commerce; and to provide loans and other means to maintain farm income for producers of the commodities, reduce excess production, and enable consumers to obtain an adequate and steady supply of such commodities at fair prices.*

*"CONSUMER SAFEGUARDS*

*"SEC. 502. The powers conferred under this title shall not be used to discourage the production of supplies of food and animal feed sufficient to meet normal domestic and export needs, as determined by the Secretary. In carrying out the purposes of this title, the Secretary shall give due regard to the maintenance of a continuous and stable supply of agricultural commodities from domestic production adequate to meet consumer demand at prices fair both to producers and consumers.*

*"WHEAT AND FEED GRAIN REFERENDA*

*"SEC. 503. (a) The Secretary shall conduct a referendum by secret ballot of wheat and feed grain producers every two years to determine whether they favor or oppose the national marketing certificate program under this title. In the case of the 1986 and 1987 crops, the referendum shall be conducted as soon as practicable after enactment of the Food Security Act of 1985, but not later than February 1, 1986. For the 1988 and 1989 crops, the referendum shall be conducted not later than July 1, 1987, and for the 1990 crop, year not later than July 1, 1989.*

*"(b) Any producer on a farm with a wheat or feed grain crop acreage base of fifteen or more acres for the then current crop, as determined under title VI, shall be eligible to vote in a referendum. For the purposes of this section, the term 'producer' shall include any person who is entitled to share in a crop of the commodity, or the proceeds thereof, because the person shares in the risks of production of the crop as an owner, landlord, tenant, or sharecropper. A landlord whose return from the crop is fixed regardless of the amount of the crop produced shall not be considered a producer.*

*"(c) The Secretary shall proclaim the results of any referendum held hereunder within fifteen days after the date of such referendum, and if the Secretary determines that 60 per centum or more of the producers of wheat and feed grains (including 50 per centum or more of the producers of wheat and 50 per centum or more of the producers of feed grains) voting in the referendum in favor of the implementation of a national marketing certificate program, the Secretary shall proclaim that a national marketing certificate program will be in effect for the crops of wheat and feed grains produced for harvest in—*

*"(1) with respect to the referendum held not later than February 1, 1986, the 1986 and 1987 crops of wheat and feed grains;*

*"(2) with respect to the referendum held not later than July 1, 1987, the 1988 and 1989 crops of wheat and feed grains; and*

*"(3) with respect to the referendum held not later than July 1, 1989, the 1990 crops of wheat and feed grains.*

*"(d) In the event that a national marketing certificate program is approved for the 1986 crops of wheat and feed grains, the Secretary shall provide fair and equitable compensation to producers who planted a crop in excess of their farm program acreage prior to the proclamation by the Secretary that marketing certificates will be in effect with respect to that crop. Such compensation shall cover, at a minimum, the costs incurred by the producer for planting such crop, as determined by the Secretary.*

*"(e) If marketing certificates are not approved by producers in a referendum conducted under this section with respect to any crop of wheat or feed grains, in lieu of a national marketing certificate program for that crop, the Secretary shall provide such loans, purchases, payments, and other assistance to producers of wheat and feed grains as provided for elsewhere in this Act.*

*"NATIONAL MARKETING CERTIFICATE PROGRAM—WHEAT*

*"SEC. 504. (a) Notwithstanding any other provision of law, if a national marketing certificate program for a crop of wheat is approved under section 503, the Secretary shall make available to producers on each farm loans and purchases for such crop of wheat for an amount of wheat produced on the farm equal to the acreage on the farm that may be planted to wheat for harvest, as determined under subsection (c) or (e) of section 107D, times the farm program yield for the crop, as determined under title VI. Loans and purchases shall be made available during the marketing year for any such crop of wheat at such level as the Secretary determines will maintain the competitive relationship of wheat to other grains in domestic and export markets after taking into consideration the cost of producing wheat, supply and demand conditions, and world prices for wheat, except that the level of wheat loans and purchases for any such marketing year may not be established at less than $4.50 per bushel of wheat.*

*"(b)(1) The Secretary shall make available to producers marketing certificates for any of the 1986 through 1990 crops of wheat for which a national marketing certificate program is in effect. The amount of such marketing certificates made available to the producers on a farm shall equal an amount of wheat produced on the farm equal to the acreage on the farm that may be planted to wheat for harvest as determined under subsection (c) or (e) of section 107D, times the farm program payment yield for the crop, as determined under title VI.*

*"(2) A marketing certificate applicable to a marketing year issued to a producer of wheat shall authorize such producer to market, barter, or donate, without restriction, during such marketing year an amount of wheat equal to the amount of such marketing certificate. Wheat may not be marketed, bartered, or donated domestically without a marketing certificate, except that wheat not accompanied by a marketing certificate may be used for feed, human consumption, or other purposes on the farm of the producer, or may be sold for export.*

*"(3) Wheat accompanied by a marketing certificate that is sold for export shall be eligible for an export incentive payment on such wheat, as provided in section 1125 of the Food Security Act of 1985.*

*"(4) If for any crop, wheat that the producer harvests exceeds the amount of the*

commodity that may be marketed, bartered, or donated under a marketing certificate, the excess may be carried over by the producer from one marketing year to the succeeding marketing year and marketed under a certificate in the succeeding marketing year to the extent that (A) the total amount of such wheat available for marketing under a certificate from the farm in the marketing year from which such commodity is carried over does not exceed the amount of the marketing certificate made available to the producers for that crop, and (B) the total amount of wheat available for marketing under a certificate in the succeeding marketing year (that is, the sum of the amount of such wheat carried over and the amount of such wheat produced on the farm eligible for marketing certificates in the succeeding year) does not exceed the amount of marketing certificates made available to the producers for the succeeding marketing year.

"(5) Marketing certificates made available to a producer of wheat shall not be transferable, except to the extent that such certificates accompany wheat that is marketed, bartered, or donated under paragraph (2).

"(6) Wheat harvested in a calendar year in which marketing certificates are made available to producers for the marketing year beginning therein may not be marketed, except as provided in paragraph (2), prior to the date on which such marketing year begins.

"(7) A person may not purchase or otherwise acquire an amount of wheat from a producer in excess of the amount of wheat that may be marketed, bartered, or donated by such producer under a marketing certificate, except that wheat that must be exported may be acquired as provided under paragraph (2).

"(8) If marketing certificates for wheat are not made available to producers for any marketing year, all previous marketing certificates applicable to wheat shall be terminated, effective as of the first day of such marketing year.

"PENALTIES WITH RESPECT TO WHEAT

"SEC. 505. (a)(1) Except as provided in subsection (b), if a producer fails to comply with any term or condition of a wheat program conducted under this title, the producer shall be ineligible for any loan, purchase, or payment under this Act for the crop of wheat involved.

"(2) Except as provided in subsection (c), if anyone markets, barters, or donates wheat other than for export without a marketing certificate required under section 504 or markets, barters, or donates an amount of wheat for use in excess of the amount of wheat the person or entity is permitted to market, barter, or donate under such certificate, the Secretary shall—

"(A) assess a civil penalty against such person or entity in an amount equal to three times the current minimum loan rate for the wheat so marketed, bartered, or donated, or

"(B) with respect to a producer, decrease the number of acres of the farm's wheat crop acreage base such producer may devote to production for the succeeding crop of wheat by a number of acres that, if planted, would result in the production of a quantity sufficient to satisfy the penalty referred to in subparagraph (A).

"(3) If a person knowingly purchases or otherwise acquires an amount of wheat in excess of the amount of wheat that may be marketed, bartered, or donated under a marketing certificate issued under this title, the Secretary shall assess a civil penalty against such person in an amount equal to three times the current minimum loan rate for the wheat so purchased or acquired.

"(b) If a producer fails to comply fully with the terms and conditions of a wheat program conducted under this title and the Secretary believes the failure should not preclude the making of loans, purchases, or payments to the producer, the Secretary may make loans, purchases, or payments in such amounts as the Secretary determines to be equitable in relation to the severity of the program violation.

"(c) If the Secretary determines that the penalties provided for in subsection (a) are not warranted by the severity of the program violation, the Secretary may reduce or waive such penalties.

"(d) Penalties collected under this section shall be deposited into the account of the Commodity Credit Corporation.

"NATIONAL MARKETING CERTIFICATE PROGRAM—FEED GRAINS

"SEC. 506. (a) Notwithstanding any other provision of law, if a national marketing certificate program for a crop of feed grains is approved under section 503, the Secretary shall make available to producers on each farm loans and purchases for such crop of feed grains for an amount of feed grains produced on the farm equal to the acreage on the farm that may be planted to feed grains for harvest, as determined under subsection (c) or (e) of section 105C times the farm program yield for the crop, as determined under title VI. Loans and purchases shall be made available during the marketing year for any such crop of feed grains at such level as the Secretary determines will maintain the competitive relationship of feed grains to other grains in domestic and export markets after taking into consideration the cost of producing feed grains, supply and demand conditions, and world prices for feed grains, except that the level of feed grain loans and purchases for the 1986 through 1990 marketing years may not be established at less than $3.25 per bushel of corn.

"(b)(1) The Secretary shall make available to producers marketing certificates for any of the 1986 through 1990 crops of feed grains for which a national marketing certificate program is in effect. The amount of such marketing certificates made available to the producers on a farm shall equal an amount of feed grains produced on the farm equal to the acreage on the farm that may be planted to feed grains for harvest, as determined under subsection (c) or (e) of section 105C, times the farm program yield for the crop, as determined under title VI.

"(2) A marketing certificate applicable to a marketing year issued to a producer of feed grains shall authorize such producer to market, barter, or donate, without restriction, during such marketing year an amount of such feed grains equal to the amount of such marketing certificate. Feed grains may not be marketed, bartered, or donated domestically without a marketing certificate, except that feed grains not accompanied by a marketing certificate may be used for feed, human consumption, or other purposes on the farm of the producer, or may be sold for export.

"(3) Feed grains accompanied by a marketing certificate that is sold for export shall be eligible for an export incentive payment on such feed grains, as provided in section 1125 of the Food Security Act of 1985.

"(4) If for any crop, feed grains that the producer harvests exceed the amount of the commodity that may be marketed, bartered, or donated under a marketing certificate, the excess may be carried over by the producer from one marketing year to the succeeding marketing year and marketed under a certificate in the succeeding marketing year to the extent that (A) the total amount of such feed grains available for marketing under a certificate from the farm in the marketing year from which such commodity is carried over does not exceed the amount of the marketing certificate made available to the producers for that crop, and (B) the total amount of feed grains available for marketing under a certificate in the succeeding marketing year (that is, the sum of the amount of such feed grains carried over and the amount of such feed grains produced on the farm eligible for marketing certificates in the succeeding year) does not exceed the amount of marketing certificates made available to the producers for the succeeding marketing year.

"(5) Marketing certificates made available to a producer of feed grains shall not be transferable, except to the extent that such certificates accompany feed grains that are marketed, bartered, or donated under paragraph (2).

"(6) Feed grains harvested in a calendar year in which marketing certificates are made available to producers for the marketing year beginning therein may not be marketed, except as provided in paragraph (2), prior to the date on which such marketing year begins.

"(7) A person may not purchase or otherwise acquire an amount of feed grains from a producer in excess of the amount of feed grains that may be marketed, bartered, or donated by such producer under a marketing certificate, except that feed grains that must be exported may be acquired as provided under paragraph (2).

"(8) If marketing certificates for feed grains are not made available to producers for any marketing year, all previous marketing certificates applicable to feed grains shall be terminated, effective as of the first day of such marketing year.

"PENALTIES WITH RESPECT TO FEED GRAINS

"SEC. 507. (a)(1) Except as provided in subsection (b), if a producer fails to comply with any term or condition of a feed grain program conducted under this title, the producer shall be ineligible for any loan, purchase, or payment under this Act for the crop of feed grains involved.

"(2) Except as provided in subsection (c), if anyone markets, barters, or donates feed grains other than for export without a marketing certificate required under section 506 or markets, barters, or donates an amount of feed grains for use in excess of the amount of the commodity the person or entity is permitted to market, barter, or donate under such certificate, the Secretary shall—

"(A) assess a civil penalty against such person or entity in an amount equal to three times the current minimum loan rate for the feed grains so marketed, bartered, or donated, or

"(B) with respect to a producer, decrease the number of acres of the farm's feed grain crop acreage base such producer may devote to production for the succeeding crop of feed grains by a number of acres that, if planted, would result in the production of a quantity sufficient to satisfy the penalty referred to in subparagraph (A).

"(3) If a person knowingly purchases or otherwise acquires an amount of feed grains in excess of the amount of feed grains that may be marketed, bartered, or donated under a marketing certificate issued under

*this title, the Secretary shall assess a civil penalty against such person in an amount equal to three times the current minimum loan rate for the feed grains so purchased or acquired.*

*"(b) If a producer fails to comply fully with the terms and conditions of a feed grain program conducted under this title and the Secretary believes the failure should not preclude the making of loans, purchases, or payments to the producer, the Secretary may make loans, purchases, or payments in such amounts as the Secretary determines to be equitable in relation to the severity of the program violation.*

*"(c) If the Secretary determines that the penalties provided for in subsection (a) are not warranted by the severity of the program violation, the Secretary may reduce or waive such penalties.*

*"(d) Penalties collected under this section shall be deposited into the account of the Commodity Credit Corporation.*

*"REGULATIONS*

*"SEC. 508. The Secretary may issue such regulations as the Secretary determines necessary to carry out this title.".*

AMENDMENT OFFERED BY MR. DE LA GARZA

Mr. DE LA GARZA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DE LA GARZA: On page 124, line 14, strike the quotation mark and the second period.

On page 124, after line 14, add a new section as follows:

"PROGRAM BASES

"SEC. 509. Notwithstanding section 605, for any crop of wheat or feed grains for which a national marketing certificate program is approved under section 503, no producer of such crop may adjust the producer's crop acreage base for the crop as provided for in section 605, and the producer's base for such crop shall be as determined under title VI without regard to section 605."

Mr. DE LA GARZA. Mr. Chairman, this amendment to the marketing certificate program as appears in our bill was made necessary by reestimate of the provisions caused by the Congressional Budget Office following adoption of H.R. 2100 by the committee.

This amendment will provide an additional 3 years' saving of over $2 billion.

This amendment will simply prevent any producer from increasing his wheat or feed grain base during the operation of the market certificate program. There may be a possibility that would entice someone because of the high support to get into the program. This will, in effect, not do any harm to the so-called Stenholm provisions of base and yield.

Mr. MADIGAN. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from Illinois.

Mr. MADIGAN. Mr. Chairman, in the interest of moving the process along, we have had the opportunity to review this amendment and have no objection to it on this side.

Mr. DE LA GARZA. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. DE LA GARZA].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. VOLKMER

Mr. VOLKMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VOLKMER: Page 110, strike out line 1 and all that follows thereafter through page 124, line 14, and insert the following new title:

TITLE VA—PRODUCER-APPROVED WHEAT AND FEED GRAIN PROGRAMS

REFERENDA AND QUOTAS, PRODUCTION ACREAGES, MARKETING CERTIFICATES, AND MINIMUM LOAN RATES FOR THE 1986 THROUGH 1991 CROPS OF WHEAT AND FEED GRAINS

SEC. 551. Effective only for the 1986 through 1991 crops, the Agricultural Act of 1949 (7 U.S.C. 1461 et seq.) is amended by adding at the end thereof a new title V as follows:

"TITLE V—REFERENDA AND QUOTAS, PRODUCTION ACREAGES, MARKETING CERTIFICATES, AND MINIMUM LOAN RATES FOR THE 1986 THROUGH 1991 CROPS OF WHEAT AND FEED GRAINS

"Subtitle A—Findings and Policy; Consumer Safeguards

"FINDINGS AND POLICY

"SEC. 501. (a) Congress finds that—

"(1) wheat and feed grains are essential agricultural commodities for the Nation, are produced throughout the United States by hundreds of thousands of farmers, and along with their products flow in substantial amounts through instrumentalities of interstate and foreign commerce from producers to consumers;

"(2) abnormally excessive and abnormally deficient supplies of wheat and feed grains on the country-wide market acutely and directly affect, burden, and obstruct interstate and foreign commerce; and

"(3) interstate and foreign commerce in wheat and feed grains, and their products, should be protected from burdensome surpluses and disruptive shortages, a supply of the commodities should be maintained to meet domestic consumption needs and export demand, and soil and water resources of the Nation should not be squandered in the production of surplus burdensome supplies of the commodities.

"(b) It is hereby declared to be the policy of Congress that it is in the interest of the general welfare to assist in the marketing of wheat and feed grains for domestic consumption and export; to regulate interstate and foreign commerce in the commodities to the extent necessary to provide an orderly, adequate, and balanced flow of the commodities in interstate and foreign commerce; and to provide loans and other means to maintain farm income for producers of the commodities, reduce excess production, and enable consumers to obtain an adequate and steady supply of such commodities at fair prices.

"CONSUMER SAFEGUARDS

"SEC. 502. The powers conferred under this title shall not be used to discourage the production of supplies of food and animal feed sufficient to meet normal domestic and export needs, as determined by the Secretary. In carrying out the purposes of this title, the Secretary shall give due regard to the maintenance of a continuous and stable supply of agricultural commodities from domestic production adequate to meet consumer demand at prices fair both to producers and consumers.

"Subtitle B—Producer-Approved Wheat and Feed Grain Program

"PROCLAMATION OF WHEAT AND FEED GRAIN MARKETING QUOTAS

"SEC. 511. (a) Whenever prior to April 15 in any calendar year the Secretary determines that the total supply of wheat or feed grains, or both, in the marketing years for such commodities beginning in the next succeeding calendar year, in the absence of a marketing year program, will likely be excessive, the Secretary shall proclaim that a national marketing quota for wheat or a national marketing quota for feed grains, as the case may be, or marketing quotas for both, shall be in effect for such marketing years and for the marketing years for the next crop of such commodities. In the case of the marketing years for the 1986 and 1987 crops of such commodities, such determination and proclamation shall be made as soon as practicable after the enactment of the Food Security Act of 1985, but not later than January 1, 1986.

"(b) If a national marketing quota for wheat or feed grains has been proclaimed for any marketing year, the Secretary shall determine and proclaim the amount of the national marketing quota for such marketing year not earlier than January 1 nor later than April 15 of the calendar year preceding the year in which such marketing year begins, except that in the case of the marketing years for the 1986 and 1987 crops, such determination and proclamation shall be made as soon as practicable after the enactment of the Food Security Act of 1985, but not later than January 1, 1986. The amount of the national marketing quota for wheat or feed grains for any marketing year shall be an amount of wheat or feed grains that the Secretary estimates is required to meet anticipated needs during such marketing year, taking into consideration domestic requirements, export demand, food aid needs, and adequate carryover stocks.

"(C) If, after the proclamation of a national marketing quota for wheat or feed grains for any marketing year, the Secretary determines that the national marketing quota should be terminated or increased to meet a national emergency or a material increase in the demand for wheat or feed grains, the national marketing quota shall be increased or terminated by the Secretary.

"FARM MARKETING QUOTAS

"SEC. 512. (a) For each marketing year for wheat or feed grains for which a national marketing quota has been proclaimed under section 511 of this title, the Secretary shall establish farm marketing quotas in accordance with this section.

"(b) The Secretary shall establish a marketing quota apportionment factor for each wheat or feed grain marketing year for which a national marketing quota is proclaimed under section 511. The marketing quota apportionment factor shall be determined by dividing the national marketing quota for such marketing year for wheat or feed grains by the product obtained by multiplying (1) the Secretary's estimate of the average of the then current program yields for wheat or feed grains assigned to each farm by (2) the total of each farm's then current wheat or feed grain crop acreage base.

"(c) The Secretary shall assign a farm marketing quota to each farm with a wheat or feed grain crop acreage base of fifteen acres or more for the crop involved by multiplying the marketing quota apportionment factor determined under subsection (b) of this section by the product obtained by multiplying (1) such farm's then current program yield for wheat or feed grains by (2) such farm's then current wheat or feed grain crop acreage base.

"(d) Farm marketing quotas shall be established by the Secretary under this section by June 1 of the calendar year preceding the marketing year for which a national marketing quota has been proclaimed under this title, except that in the case of the 1986 and 1987 crops, such quotas shall be established as soon as practicable after the enactment of the Food Security Act of 1985, but not later than January 1, 1986.

"PROCLAMATION OF WHEAT AND FEED GRAINS NATIONAL PRODUCTION ACREAGES

"SEC. 513. (a) If a national marketing quota has been proclaimed for any wheat or feed grain marketing year under section 511 of this title, the Secretary shall proclaim a wheat or feed grain national production acreage for the crop of wheat or feed grains covered by such marketing year on the date that such national marketing quota is proclaimed.

"(b) The amount of the national production acreage for any crop of wheat or feed grains shall be the number of wheat or feed grain acres that the Secretary determines on the basis of the projected national yield and expected underplantings (acreage other than acreage not harvested because of program incentives) of the farm prouction acreages for such crop will produce an amount of what or feed grains equal to the national marketing quota for the commodity for the marketing year for such crop.

"(c) If, after the proclamation of the national production acreage for wheat or feed grains for any crop, the Secretary determines that the national production acreage should be terminated or increased to meet a national emergency or a material increase in the demand for wheat or feed grains, the national production acreage shall be increased or terminated by the Secretary.

"FARM PRODUCTION ACREAGES

"SEC. 514. (a) The national production acreage determined under section 513 of this title for a crop of wheat or feed grains shall be apportioned by the Secretary among farms in accordance with this section.

"(b) The Secretary shall establish a production acreage apportionment factor for each crop of wheat or feed grains for which a national production acreage is determined. The production acreage apportionment factor shall be determined by dividing the national production acreage for such crop of wheat or feed grains by the total of the acres of wheat or feed grains included in each farm's wheat or feed grain crop acreage base, as determined under title VI of this Act.

"(c) The Secretary shall detemine the wheat or feed grain farm production acreage for each farm (with a crop acreage base for the commodity and crop involved of fifteen acres or more) on which wheat or feed grains are produced by multiplying the production acreage apportionment factor determined under subsection (b) of this section by the farm's wheat or feed grain crop acreage base.

"(d) Notwithstanding the provisions of subsection (c) of this section, the farm production acreage for each farm—

"(1) in the case of each crop of wheat, shall be equal to 65 per centum of the farm's crop acreage base for wheat, unless the Secretary estimates that, by the end of the marketing year for that crop of wheat, ending stocks of wheat will be equal to or less than the domestic consumption of wheat for the marketing year; and

"(2) in the case of each crop of feed grains, shall be equal to 80 per centum of the farm's acreage base for feed grains, unless the Secretary estimates that, by the end of the marketing year for that crop of feed grains, ending stocks of feed grains will be 10 per centum or less of the total use of feed grains for the marketing year.

"(e) Subject to the provisions of section 535(b) of this title, whenever a wheat or feed or feed grain production acreage for a crop is established for a farm, other than for a crop which the producers on the farm uses for on-farm feeding purposes and which the producers on the farm certify in writing will be used exclusively for on-farm feeding purposes during the period for which a national production acreage is in effect, under this section, the producers on the farm may not plant an acreage on the farm to the commodity for harvest for the crop in excess of the farm's production acreage for the commodity; and with respect to farms with a crop acreage base for the commodity and crop involved of less than fifteen acres, producers on the farm may not plant an acreage on the farm to the commodity for harvest for the crop in excess of fifteen acres.

"REFERENDA

"SEC. 515. (a) If national marketing quotas for wheat, feed grains, or both wheat and feed grains for two marketing years, are proclaimed under section 511 of this title, the Secretary shall, not later than July 1 of the calendar year in which such national marketing quotas are proclaimed, conduct a referendum by secret ballot of wheat and feed grain producers to determine whether they favor or oppose marketing quotas and production acreages for the marketing years and crops for which proclaimed. In the case of the 1986 and 1987 crops, the referendum shall be conducted as soon as practicable after the date of enactment of the Food Security Act of 1985, but not later than February 1, 1986.

"(b) Any producer with a wheat or feed grain crop acreage base of fifteen or more acres for the than current crop, as determined under title VI of this Act, shall be eligible to vote in the referendum. For purposes of this section, the term 'producer' shall include any person who is entitled to share in a crop of the commodity, or the proceeds thereof, because the person shares in the risks of production of the crop as an owner, landlord, tenant, or sharecropper. A landlord whose return from the crop is fixed regardless of the amount of the crop produced shall not be considered a producer.

"(c) The Secretary shall proclaim the results of any referendum held hereunder within fifteen days after the date of such referendum and if the Secretary determines that 60 per centum or more of the producers of wheat and feed grains (including 50 per centum or more of the producers of wheat and 50 per centum or more of the producers of feed grains) voting in the referendum voted for marketing quotas and production acreages, the Secretary shall proclaim that marketing quotas and production acreages will be in effect with respect to the crops of wheat or feed grains, or both, produced for harvest in the two calendar years following the year in which the referendum is held (or in the case of the referendum held no later than February 1, 1986, for crops harvested in 1986 and 1987).

"(d) In the event that marketing quotas and production acreages are approved with respect to the 1986 crop of wheat or feed grains, the Secretary shall provide fair and equitable compensation to producers who planted a crop in excess of their farm production acreage prior to the proclamation by the Secretary that marketing quotas and production acreages will be in effect with respect to that crop. Such compensation shall cover at a minimum the costs incurred by producers for planting such crop, as determined by the Secretary.

"(e) If the Secretary determines that 60 per centum or more of the producers of wheat and feed grains (including 50 per centum or more of the producers of wheat and 50 per centum or more of the producers of feed grains) voting in a referendum approved marketing quotas and production acreages for a period of two marketing years, no referendum shall be held for the next year of such period.

"(f) If marketing quotas and production acreages are not approved by producers in a referendum as provided under this section, with respect to the crops harvested in the succeeding year, in lieu of such marketing quotas and production acreages, the Secretary shall provide such loans, purchases, payments, and other assistance to producers of wheat and feed grains as provided elsewhere in this Act.

"LOANS AND PURCHASES

"SEC. 516. (a) If producers of wheat and feed grains approve marketing quotas and production acreages, as provided in section 515 of this title, loans and purchases shall be made available to producers as provided in sections 105C and 107D of this Act, except that the minimum loan rates for the crops of wheat or feed grains with respect to which marketing quotas and production acreages are in effect—

"(1) in the case of wheat, shall be not less than $5.03 per bushel for the 1986 crop, and, for each of the 1987 through 1991 crops of wheat, shall be not less than a level that represents an increase of two parity index points over the previous crop's minimum loan level, or the level provided in the following table, whichever is less:

| | |
|---|---|
| "for the 1987 crop | $5.17 per bushel |
| for the 1988 crop | 5.31 per bushel |
| for the 1989 crop | 5.45 per bushel |
| for the 1990 crop | 5.59 per bushel |
| for the 1991 crop | 5.73 per bushel. |

"(2) in the case of corn, shall be not less than $3.49 per bushel of corn for the 1986 crop, and, for the 1987 through 1991 crops, shall be not less than a level that represents an increase of two parity index points over the previous crop's minimum loan level, or the level provided in the following table, whichever is less:

| | |
|---|---|
| "for the 1987 crop | $3.59 per bushel |
| for the 1988 crop | 3.69 per bushel |
| for the 1989 crop | 3.79 per bushel |
| for the 1990 crop | 3.89 per bushel |
| for the 1991 crop | 3.99 per bushel. |

"(3) in the case of feed grains other than corn, for each of the 1986 through 1991 crops, shall be such rate as the Secretary determines fair and reasonable in relation to the rate at which loans are made available for corn.

"(b) Loans referred to in subsection (a) shall not be subject to the limitation on nonrecourse loans set forth in section 405(b) of this Act.

MARKETING CERTIFICATES

"SEC. 531. (a) At the time a producer of wheat or feed grains is assigned a farm marketing quota under section 512 of this title for any marketing year, the Secretary shall issue a marketing certificate to such producer for the crop of such commodity covered by such marketing year. The Secretary shall also issue marketing certificates to producers with a wheat or feed grain crop acreage base of less than 15 acres (producers not assigned a farm marketing quota) for such commodities to be produced on such crop acreage base for the crop covered by such marketing year.

"(b) A marketing certificate applicable to marketing year issued to a producer of wheat or feed grains shall authorize such producer to market, barter, or donate, during such marketing year, an amount of such commodity equal to the farm marketing quota assigned to such producer (or, in the case of a producer not assigned a marketing quota because the producer's crop acreage base for the commodity crop is less than 15 acres, an amount of such commodity equal to the producer's production of the commodity on the acreage—if the acreage is less than fifteen acres—planted to the commodity for harvest.

"(c) The Secretary shall adjust the amount of wheat or feed grains that may be marketed, bartered, or donated under a marketing certificate to reflect the amount of such commodity that will be used for feed, human consumption, or other purposes on the farm of the producer.

"(d) If for any crop, the wheat or feed grains that the producer harvests exceeds the amount of the commodity that may be marketed, bartered, or donated under a marketing certificate, the surplus amount of such commodity may be used for feed, human consumption, or other purposes on the farm of the producer, or may be carried over by the producer from one marketing year to the succeeding marketing year and may be marketed without penalty imposed under section 532 of this subtitle in the succeeding marketing year to the extent that (1) the total amount of such commodity available for marketing from the farm in the marketing year from which such commodity is carried over does not exceed the farm marketing quota, and (2) the total amount of such commodity available for marketing in the succeeding marketing year (that is, the sum of the amount of such commodity carried over and the amount of such commodity produced on the farm subject to a farm marketing quota in the succeeding marketing year) does not exceed the farm marketing quota for the succeeding marketing year.

"(e) Wheat for feed grains harvested in a calendar year in which marketing quotas are in effect for the marketing year beginning therein shall be subject to such quotas even though such commodity is marketed prior to the date on which such marketing year begins.

"(f) A person may not purchase or otherwise acquire an amount of a commodity from a producer in excess of the amount of the commodity that may be marketed, bartered, or donated by such producer under a marketing certificate.

"(g) If marketing quotas for a commodity are not in effect for any marketing year, all previous marketing certificates applicable to such commodity shall be terminated, effective as of the first day of such marketing year.

"PENALTIES

"SEC. 532. (a)(1) Except as provided in subsection (b) of this section, if a producer fails to comply with any term or condition of a program conducted under this title, the producer shall be ineligible for any loan, purchase, or payment authorized under this Act.

"(2) Except as provided in subsection (c) of this section, if a producer markets, barters, or donates a commodity without a marketing certificate required under section 532 of this subtitle or markets, barters, or donates an amount of a commodity for use in excess of the amount of the commodity the producer is permitted to market, barter, or donate under such certificate, the Secretary shall—

"(A) assess a civil penalty against such producer in an amount equal to three times the current minimum loan rate for the commodity so marketed, bartered, or donated; or

"(B) decrease the number of acres of the producer's wheat or feed grain crop acreage base such producer may devote to production under section 514 of this title for the succeeding crop of the commodity by a number of acres that, if planted, would result in the production of a quantity sufficient to satisfy the penalty referred to in subparagraph (A) of this paragraph.

"(3) If a person knowingly purchases or otherwise acquires an amount of a commodity from a producer in excess of the amount of the commodity that may be marketed, bartered, or donated by such producer under a marketing certificate issued under section 531 of this subtitle, the Secretary shall assess a civil penalty against such person in an amount equal to three times the current minimum loan rate for the commodities so purchased or acquired.

"(b) If a producer fails to comply fully with the terms and conditions of a program conducted under this title and the Secretary believes the failure should not preclude the making of loans, purchases, or payments to the producer, the Secretary may make loans, purchases, or payments in such amounts as the Secretary determines to be equitable in relation to the severity of the program violation.

"(c) If the Secretary determines that the penalties provided for in subsection (a) of this section are not warranted by the severity of the program violation, the Secretary may reduce or waive such penalties.

"(d) Penalties collected under this section shall be deposited into the account of the Commodity Credit Corporation.

"TRANSFER OF FARM MARKETING QUOTAS

"SEC. 534. Farm marketing quotas assigned to a farm under this title generally shall not be transferable, but, in accordance with regulations prescribed by the Secretary for such purpose, the farm marketing quota assigned to a farm for any marketing year, or any portion thereof, may be voluntarily surrendered to the Secretary by the producer, and the Secretary may reallocate the amount of any farm marketing quotas so surrendered to other farms having farm marketing quotas on such basis as the Secretary may determine.

"CONSERVATION OF ACREAGE REMOVED FROM PRODUCTION

"SEC. 535. (a) A producer of a commodity shall devote to approved conservation use all acreage of the farm's wheat or feed grain crop acreage base that may not be devoted to the production of the commodity involved under the rules applicable to farm production acreages under sections 514 and 524 of this title.

"(b) The Secretary may make such adjustments in the amount of such acreage removed from production as the Secretary determines necessary to correct for abnormal factors affecting production and to give due consideration to tillable acreage, crop-rotation practices, types of soil, soil and water conservation measures, topography, and such other factors as the Secretary determines appropriate.

"(c) Regulations issued by the Secretary under this section with respect to acreage required to be devoted to conservation uses shall require appropriate measures to protect such acreage against noxious weeds and wind and water erosion.

"(d)(1) Any acreage removed from production may be devoted to wildlife food plots or wildlife habitats in conformity with standards established by the Secretary in consultation with wildlife agencies.

"(2) The Secretary may pay such amount as the Secretary considers appropriate of the cost of the practices designed to carry out the purposes of paragraph (1) of this subsection.

"(3) The Secretary may provide for an additional payment on such acreage in an amount determined by the Secretary to be appropriate in relations to the benefit to the general public if the producer agrees to permit, without other compensation, access to all or such portion of the farm, as the Secretary may prescribe, by the general public for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

"(e)(1) A producer of a commodity shall execute an agreement with the Secretary that describes the means the producer will use to comply with this section not later than such date as the Secretary may prescribe.

"(2) The Secretary may, by mutual agreement with such producer, terminate or modify any such agreement if the Secretary determines such action necessary because of an emergency created by drought or other disaster or to prevent or alleviate a shortage in the supply of agricultural commodities.

"REGULATIONS

"SEC. 536. The Secretary may issue such regulations as the Secretary determines necessary to carry out this title.

"COMMODITY CREDIT CORPORATION

"SEC. 537. The Secretary shall carry out the program authorized by this title through the Commodity Credit Corporation.

"ADMINISTRATIVE PROVISIONS

"SEC. 538. The provisions of sections 361, 362, 363, 364, 365, 366, 367, 368, 372(d), 373, 374, 375, and 376 of the Agricultural Adjustment Act of 1938, as amended by section 452 of the Food Security Act of 1985, shall apply to the programs in effect under this title for any of the 1986 through 1991 crops of wheat and feed grains.".

"LIMITATION ON IMPORTS

"SEC. 539. If imports of grain or processed grain threaten to render ineffective, or materially interfere with, the national marketing quota program, Congress expects the Secretary will take appropriate action available under section 22 of the Agriculture Adjustment Act of 1933 as is necessary in order

that such imports will not render ineffective or materially interfere with this program.".

Amend the table of contents in section 2 accordingly.

Mr. VOLKMER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The CHAIRMAN. The gentleman from Missouri [Mr. VOLKMER] is recognized for 5 minutes.

PERFECTING AMENDMENT OFFERED BY MR. VOLKMER TO THE ADMENDMENT OFFERED BY MR. VOLKMER

Mr. VOLKMER. Mr. Chairman, I also have a perfecting amendment at the desk.

Mr. MADIGAN. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Illinois.

Mr. MADIGAN. I thank the gentleman for yielding.

If the amendment is the same as the one just offered by the Chairman, we would have no objection to it on this side and would ask unanimous consent that it be considered as read.

The CHAIRMAN. The gentleman from Missouri [Mr. VOLKMER] needs unanimous consent to offer an amendment to his own amendment.

Mr. VOLKMER. Mr. Chairman, I ask unanimous consent, then, to offer the perfecting amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

Mr. VOLKMER. Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The text of the perfecting amendment offered by Mr. VOLKMER, to the amendment offered by Mr. VOLKMER is as follows:

Perfecting amendment offered by Mr. VOLKMER to the amendment offered by Mr. VOLKMER: After section 532, insert a new section as follows:

"PROGRAM BASES

"SEC. 533. Notwithstanding section 605, for any crop of wheat or feed grains for which a national marketing certificate program is approved under section 515, no producer of such crop may adjust the producer's crop acreage base for the crop as provided for in section 605, and the producer's base for such crop shall be as determined under title VI without regard to section 605."

The CHAIRMAN. The gentleman from Missouri (Mr. VOLKMER) is recognized for 5 minutes on his amendment to his amendment.

PARLIAMENTARY INQUIRY

Mr. EVANS of Illinois. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. EVANS of Illinois. Mr. Chairman, are we moving on the gentleman's perfecting amendment at this time?

The CHAIRMAN. That is correct.

Mr. EVANS of Illinois. His other amendment is still open and subject to debate?

The CHAIRMAN. Yes, the gentleman is correct.

Mr. EVANS of Illinois. I thank the Chair.

Mr. VOLKMER. Mr. Chairman, and Members of the Committee, we are now on the mandatory program amendment. I would like to first reflect a little bit, as has been discussed earlier during the debate on the Stangeland-Roberts-Glickman, et cetera, amendment, the condition of agriculture throughout the Midwest especially, and especially in northern Missouri. If you go from the northern Missouri River, from St. Joseph to Hannibal, my home town, you will find many farmers out there who are in very serious difficulty. And I am sure that people from Iowa and Illinois and Nebraska and other parts of this country can say the same thing.

Three out of the last 5 years, though, in our area have been disasters. 1981 was a wet year, 1983 and 1984 were drought years. We had such things as 12-bushel-an-acre soybeans and 10-bushel-an-acre corn. Some fields were without any ears at all on their corn. As a result of that, many farmers who had borrowed in order to put their crops in did not have any money to pay it back, and they had to go back and borrow again for another year. So as a result of all of these circumstances, plus buying the machinery in the late 1970's, they find themselves with a debt-asset ratio of anywhere from 50 percent to 75 percent, many of them. They are not able at today's prices to be able to pay those debts, principal, and also have a living off of that farm. So it has been a devastation. In fact, the University of Missouri, the Agriculture School and Economics Department, in a meeting that I had with them a couple weeks ago, estimated that if we continue on down the line with the programs that we presently have—and that is basically what is in the permanent provisions in this bill—that one-third to one-half of the farmers of northern Missouri are gone at the end of 4 years.

It has been alluded to earlier that that is not just farmers who are going to be gone. That is also small businesses, implement dealers. And I know many of you could tell the same story, that 4 years ago there were small towns that had three or four implement dealers and today they have one, where before they maybe had two hardware stores, they have got one. Many of my small towns have windows in stores that are boarded up. Nobody is willing to go back in them. Agriculture has been the main economy for that area, and agriculture is the No. 1 industry for the State of Missouri. Agriculture is sick and hurting.

Now, there are only two alternatives for my farmers, as far as getting out of this. One is if interest rates would go down about 3 or 4 percent, they could finance their indebtedness on that basis; but that is not going to happen, and we all know that is not going to happen. And the other alternative is for their income to go up.

Well, under the provisions that are in the bill presently, outside of the Bedell amendment, but the permanent provisions, their income is not going to go up. In fact, their net income will decline each year for the next 4 years because the cost of production will go up while the income maintenance stays the same.

So they are looking for a devastation. We are looking for a loss of schools. The land values will continue to deteriorate. We have had a deterioration of anywhere from 30 to 40 percent already of land values in the last 3½ years. That will continue. That erodes the base of my counties, of my schools, my cities, to where they do not have any base any longer, and it has a detrimental effect on the total social and economic structure of rural Missouri, and I say rural United States also.

Now, projections are if we go along with the permanent parts of this bill we are going to continue to have large carryover stocks. Let us just take this year. Wheat, 1.6 billion bushel carryover. That is not going to help prices get up. Corn nearly 3 billion, almost where we were in 1982. With soybeans, we are going to have a record carryover, more than we have ever had.

You can look at the prices. In 1983 in my area our local price for corn was $3.45.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. VOLKMER] has expired.

(By unanimous consent, Mr. VOLKMER was allowed to proceed for 5 additional minutes.)

Mr. VOLKMER. In 1983, the corn price was $3.45; in 1984, $2.89; and today they run, depending on whether you are on the Mississippi barge or whether you are inland, $2.00 to $2.20 a bushel.

Wheat in 1983 was $3.41 on the average; in 1984 it was $3.36. We are now down to $2.40 to $2.71.

Soybeans in 1983 was $8.56. In 1984 it dropped down to $5.94. And now it is

down to less than $5, around $4.92 to $5, depending, again, on the market.

These are declining prices, and we are going to continue to see declining prices unless we do something about the type of legislation that we offer to the farmers.

We are going to continue to have what we have had this year over last year, declining exports.

Now, the administration has taken a position that we need to get down to market clearing prices. Well, you are not going to clear the markets, you are going to clear out the farmers if you go to that.

They say we have to get to market clearing prices in order to continue to increase our exports. Yet I would like to point out to you that this year over last year we have lower farm prices, yet our exports are not increasing, our exports are actually still declining.

So the administration's answer to the solution as we have seen from the last record vote on the Frank amendment has been rejected by the House and the Senate and about everybody. We cannot have lower cash prices without some kind of government support.

The budget does not permit us, however, to support the farmers to the extent that they should be supported. So there is only one other way, and that is to reduce production through what I call a mandatory program. Under the provision that I am offering to the House as we have it today, it goes to the vote of the farmers. Given the farmers a choice, whether they wish to reduce production, increase their income, or they wish to continue, basically, all-out production and have lower prices for their commodities. In other words, I say that the farmer should be entitled to make that choice. Let the farmer decide whether or not he wishes to have such a program.

We already have a provision in the bill that, basically, provides for a referendum, known as the Bedell amendment, which I support. However, I just feel it does not go far enough. Under the Bedell amendment, wheat price would be at $4.50. Under the mandatory program, with marketing certificates on a bushel basis, we can have the wheat next year at $5.03.

In the Bedell amendment, corn is at $3.25. Under a mandatory price program, we could have corn at $3.49.

By using a marketing certificate and without farmers being able to move their bases and basing the marketing certificate on bushels, we can hold our production in line and, as a result, we can have a program whereby our farmers can make it through at least a couple of years, we can stabilize land values, we can help our small business people in our local towns, we can increase or at least stabilize the tax base for these communities, and at less cost to the taxpayers than any other program that we have, at less cost than what is in the bill.

Now, I will admit that with the increased prices to the farmers, the price of a loaf of bread in the grocery store, a pound loaf of bread, will probably have to go up three-fourths of a cent or one cent to take care of that increased price to the farmer. A box of cereal will probably have to go up 2 or 3 cents to provide for income for the farmer. A pound of hamburger may have to go up 2 or 3 cents.

But, Mr. Chairman, I think we need to realize that the people in this country today live better for less than anyplace else in the world. We eat better for less than any place else in the world. Right now the amount that the American family spends of disposable income on food ranks about 13 percent of their disposable income.

□ 1635

The CHAIRMAN. The time of the gentleman from Missouri [Mr. VOLKMER] has expired.

(By unanimous consent, Mr. VOLKMER was allowed to proceed for 2 additional minutes.)

Mr. VOLKMER. Basically, that is less than any other industrialized country or any other country in this world in which statistics are kept. In no other place can you eat so well for so little. It has been the American farmer that has been basically subsidizing the consumer because he has been getting lower prices. The consumer has not necessarily been benefiting from those lower prices that the farmers got.

All we are asking is that the farmer be able to get a little bit more for the productivity that he has given to the American consumer throughout these years. Under this program, which I want to reiterate, it would only be enacted if voted upon favorably by 60 percent of the farmers. I feel that we can get the American farmer back on his feet again, and that we can stabilize farm income and our farmland values to where we can be proud to say that we finally have done something in this Congress for the American farmer rather than doing something to him.

PARLIAMENTARY INQUIRY

Mr. ALEXANDER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ALEXANDER. Mr. Chairman, will the Chair please state to the Committee the prevailing amendment together with the parliamentary situation. I was not able to hear.

The CHAIRMAN. The Chair will state that the gentleman from Missouri [Mr. VOLKMER] has an amendment pending to his own amendment. Once we dispose of that, then the gentleman from Oregon [Mr. ROBERT F. SMITH] will be recognized to further amend the Volkmer amendment.

Mr. ALEXANDER. I thank the Chair.

The CHAIRMAN. The question is on the perfecting amendment offered by the gentleman from Missouri [Mr. VOLKMER] to the amendment offered by the gentleman from Missouri [Mr. VOLKMER].

The perfecting amendment to the amendment was agreed to.

AMENDMENT OFFERED BY MR. ROBERT F. SMITH TO THE AMENDMENT OFFERED BY MR. VOLKMER, AS AMENDED

Mr. ROBERT F. SMITH. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. ROBERT F. SMITH to the amendment offered by Mr. VOLKMER, as amended: the Volkmer amendment is amended by striking all after title VA and inserting in lieu thereof the following:

PRODUCER-APPROVED WHEAT, FEED GRAIN, COTTON, RICE, AND SOYBEAN PROGRAMS

REFERENDA FOR THE 1987 THROUGH 1990 CROPS OF WHEAT, FEED GRAINS, COTTON, RICE, AND SOYBEANS

SEC. 551. Effective only for the 1986 through 1990 crops, the Agricultural Act of 1949 (7 U.S.C. 1461 et seq.) is amended by adding at the end thereof a new title V as follows:

"TITLE V—REFERENDA FOR THE 1987 THROUGH 1990 CROPS OF WHEAT, FEED GRAINS, COTTON, RICE, AND SOYBEANS

"WHEAT, FEED GRAIN, COTTON, RICE, AND SOYBEAN REFERENDA

"SEC. 501. (a) The Secretary shall conduct a referendum by secret ballot of wheat, feed grain, cotton, rice, and soybean producers February 1, 1986 to determine whether they favor or oppose the agricultural programs set forth in sections 107D, 105C, 103(i), 101(j), and 201(g) of this Act. This vote shall be applicable to the 1987, 1988, 1989, and 1990 crops of wheat, feed grains, upland cotton, rice, and soybeans.

"(b) Any producer on a farm with a wheat, feed grain, cotton, rice, or soybeans crop acreage base of fifteen or more acres for the then current crop, as determined under title VI, shall be eligible to vote in a referendum. For the purposes of this section, the term "producers" shall include any person who is entitled to share in a crop of the commodity, or the proceeds thereof, because the person shares in the risks of production of the crop as an owner, landlord, tenant, or sharecropper. A landlord whose return from the crop is fixed regardless of the amount of the crop produced shall not be considered a producer.

"(c) The Secretary shall proclaim the results of the referendum held hereunder within fifteen days after the date of such referendum. If the Secretary determines that 60 per centum or more of the producers of wheat, feed grain, cotton, rice, and soybeans (including 50 per centum or more of the producers of each of the following crops: wheat, feed grain, cotton, rice, and soybeans) vote against continuing the agricultural programs set forth in sections 107D, 105C, 103(i), 101(j) and 201(g) of this

Act, then such sections shall have no effect for the 1987 through 1990 crops of such commodities.

"(d) If voters in the referendum vote against continuing the agricultural programs set forth in section 2 107D, 105C, 103(i), 101(j) and 201(g) of this Act as set forth in subsection (c), the Secretary shall provide such loans, purchases, payments, and other assistance to producers of wheat, feed grain, cotton, rice, and soybeans as provided for elsewhere in this Act.

"REGULATIONS

"SEC. 502. The Secretary may issue such regulations as the Secretary determines necessary to carry out this title.".

Mr. ROBERT F. SMITH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

POINT OF ORDER

Mr. VOLKMER. Mr. Chairman, I have a point of order against the amendment.

The CHAIRMAN. The gentleman will state it.

Mr. VOLKMER. Mr. Chairman, my point of order is that the amendment goes to other titles including the referendum pertaining to not only wheat and feed grains but also cotton, rice, and soybean programs where the title VA does not pertain to those programs or referendum on those programs.

The CHAIRMAN. The Chair recognizes the gentleman from Oregon [Mr. ROBERT F. SMITH] for his response to the point of order.

Mr. ROBERT F. SMITH. Mr. Chairman, my amendment is considered in the referenda portion of the bill. The referenda portion refers several titles to the people of this country, and my referendum does follow the rest of the referenda.

If this one is to be out of order, I assume we cannot discuss any referenda under this title VA.

Mr. VOLKMER. Mr. Chairman, continuing under my point of order, in perhaps assistance to the gentleman from Oregon, it would appear to me that such an amendment would be in order at the end of the bill or at the end of all titles, pertaining to all the titles. But this title VA, basically only pertains to wheat and feed grains.

Mr. ROBERT F. SMITH. Mr. Chairman, I ask unanimous consent to strike everything in my amendment except wheat and feed grains.

The CHAIRMAN. The Chair will first dispose of the point of order, unless the point of order is withdrawn.

Mr. VOLKMER. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. Will the gentleman from Oregon [Mr. ROBERT F. SMITH] please restate his unanimous-consent request?

Mr. ROBERT F. SMITH. Mr. Chairman, I withdraw my unanimous-consent request.

PARLIAMENTARY INQUIRY

Mr. BEDELL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BEDELL. Mr. Chairman, do I understand that the gentleman is going to change his amendment so it only applies to wheat?

The CHAIRMAN. The gentleman from Oregon [Mr. ROBERT F. SMITH] has withdrawn his request.

Mr. BEDELL. I thank the Chair.

Mr. ROBERT F. SMITH. I thank the Chair, and I thank my colleagues for their concern about this issue.

Mr. Chairman, there will be placed before us today several methods of allowing farmers in America to vote on various kinds of programs, and it seemed to me that at least one alternative should be the best interests of the Committee on Agriculture, recognizing that for the past 9 months and certainly for the past 4 months, the Committee on Agriculture has been working, in most cases, without dissension trying to find the best avenue to draft a farm bill under very difficult circumstances in this country. Certainly with limited, which the Members have heard, and with tragic circumstances in America regarding agriculture. The best efforts of the best minds of Democrats and Republicans, seriously and sincerely.

In practically every case, without partisanship, they have drafted a bill and are bringing it before you today. You have seen some efforts to amend it, and you will see some efforts to refer questions about agriculture which, by the way, I must say have been untested. The committee has not heard the impact or the implications of them, but yet, we do have a bill which is before us, which is still open to amendment, but in most cases already this Congress has followed the lead of the very able chairman and the ranking member and those people who have been working on this bill diligently.

As regard for that, it seemed to me that if we are going to really be in favor of allowing the farmer to make a choice in whether or not a farm bill ought to be defeated or not in the country, we ought to give the farmer the best efforts of our achievement. There is no question that the best efforts, the time-tested efforts, come from the committee. They come from a majority of the committee, and as I say, come without prejudice.

So, if indeed it is true that we ought to let the farmer make a decision, let us give him the best we have, or her. Let us give him the result of the hearings tested farm program, of the input from people all over this Nation, North, East, South, and West, that we have in the basic bill before us. Let us not mislead the farmer with an untested program in one direction or another.

So my amendment, very basically, is simply an effort to bring the best efforts of the Agriculture Committee to the people in this country. I ask you to support it if you believe in a referendum, and I do. If you believe that farmers ought to determine what should happen, and I do. My dates follow exactly the Bedell amendment dates; they follow exactly those people who are qualified to vote under Bedell, they are qualified to vote here in my amendment. I have carefully followed that simply because those folks have done a great deal of work in trying to find the best referendum that they could manufacture. I think they have.

Basically, my amendment follows the Bedell referendum; those qualified to vote. It provides, however, differently that we give the best efforts of the bill that passes the House of Representatives to the farmers and allows them to make a decision about their future.

□ 1645

It seems to me that this is the best reasonable approach for those who want a referendum and for those who feel that maybe we are not doing the right thing. We can come back and write a new bill, but let us find out how the farmers feel about the best effort of the Agriculture Committee, Democrats and Republicans representing North, West, East, and South.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. ROBERT F. SMITH. I yield to my friend, the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, I would like to go through some specifics of the gentleman's amendment to see if I fully understand his amendment.

In the first place, it applies, as he has stated, to wheat, feed grains, cotton, rice, and soybeans, all those commodities, to begin with. Second, it pertains to a referendum on the programs that are existing in the present bill; is that correct? In other words, you would be asking the farmers to vote on the wheat program as we have it in the bill, or on the corn or feed grain program and the cotton, soybean, and rice programs, as to whether or not they favor it?

Mr. ROBERT F. SMITH. Mr. Chairman, if I may answer the gentleman, I am asking those people to vote on what may result in being the final farm bill as it is produced by this House of Representatives.

Mr. VOLKMER. That is correct. You are going to ask them to vote on all these things, and then the alternative, in the event the farmers would

vote against it, would be to go back to the 1949 act and let the Secretary implement the provisions of the 1949 act or the 1949 law?

Mr. ROBERT F. SMITH. That is not correct.

The CHAIRMAN. The time of the gentleman from Oregon [Mr. ROBERT F. SMITH] has expired.

(On request of Mr. VOLKMER, and by unanimous consent, Mr. ROBERT F. SMITH was allowed to proceed for 3 additional minutes.)

Mr. ROBERT F. SMITH. Mr. Chairman, I thank the gentleman for obtaining extra time for me.

That is not correct.

Mr. VOLKMER. Then what would we have.

Mr. ROBERT F. SMITH. Let me answer the gentleman, please.

Mr. VOLKMER. All right.

Mr. ROBERT F. SMITH. The bill that passes the House of Representatives becomes the law. The question will be referred, as with the Bedell issue, in February of 1986, and it will be the law for 1986. If at that point it is voted down, then the Congress has 1986 until the next crop year to produce another farm bill. That is my amendment.

Mr. VOLKMER. I do not find that. It says in here: "If voters in the referendum vote against continuing the agricultural programs * * * as set forth * * * the Secretary shall provide such loans, purchases, payments, and other assistance to producers of wheat, feed grain, cotton, rice, and soybeans as provided for elsewhere in this act."

Now, as to the referendum, then, are you saying it is only for that year? I see it is 1987, only 1987. So the present law would apply to 1986 only?

Mr. ROBERT F. SMITH. That is correct, unless it were passed, as does the Bedell amendment, as the gentleman well knows. If it were approved by the farmers, then it would become the law, just as the Bedell amendment does. I followed the Bedell language very carefully. I merely referred to the question of the farm bill that passes the House, which is the best efforts of the House of Representatives.

It is not a new idea, not something that has come off the shelf without hearings. It is a bill that we have worked over, that we have had hearings on and have had the best input from the Members of the House of Representatives, as well as all commodity groups across the Nation. That is what we are referring to, the best effort of the House of Representatives.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message from the President.

## MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore. (Mr. SHARP) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

## SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Saunders, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

## FOOD SECURITY ACT OF 1985

The Committee resumed its sitting.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. MADIGAN].

Mr. MADIGAN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, we have heard a great deal of discussion about the desirability of giving the agriculture producers in the country the opportunity at referendum next year, the opportunity to vote on some sort of agriculture or farm bill proposal. We presume that the two Houses of this Congress and the President will be able at some point during the balance of this year to agree on some type of farm bill for the next 4 years.

If it is so desirable to allow farmers to vote on something at referendum, what is wrong with letting the farmers vote on the farm bill approved by this Congress and the President this year? If the object is just to have a referendum, since everyone is running around here saying, "Oh, let's let the farmers have a referendum," if that is the object, then why not have a referendum on the farm bill? And if a majority of the farmers agree with what the Congress and the President has done, then that is the farm bill for the next 4 years.

But if they disagree, then it would be the farm bill for only 1 year, and in 1987 the Congress and the President would have to take up the task of writing a new farm bill.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. MADIGAN. Yes; I am happy to yield to the gentleman from Arkansas.

Mr. ALEXANDER. Mr. Chairman, the gentleman asks, why should we not vote on the actions of the committee, on the work product of the committee, to determine the attitudes of the farmers, and if the farmers do not like the bill, then we will write another bill?

Well, the answer to why we cannot delay was dramatically demonstrated by the Governor of Iowa, Governor Branstad, today. This is a Republican Governor who declared a state of economic emergency in Iowa, and his action was based upon an emergency which he declared due to the economic depression in the farm community, the lack of progress toward congressional passage of a farm bill, and the insolvency of the farm credit system and the adverse actions against its borrowers for failure of Congress to act on the farm bill.

That is the answer to the gentleman's question.

Mr. MADIGAN. Mr. Chairman, I thank my good friend, the gentleman from Arkansas.

Mr. ALEXANDER. And I thank the gentleman for yielding.

Mr. MADIGAN. But I am not suggesting that we delay. I am suggesting that we move ahead, that we pass the farm bill, and that somehow we implore the President to sign that farm bill and then we let the farmers next February vote at referendum as to whether or not they like it. And if they like it, it is the law for 4 years. If they do not like it, it is the law only for 1986, and for 1987 we would do it over.

I am not suggesting any kind of delay, whatsoever. I am familiar with the circumstances that occurred in Iowa today to which the gentleman refers, and in response to the gentleman I could make the point that the proposal offered by our distinguished colleague, the gentleman from Missouri, will have, if it were to be approved at referendum by the farmers, the very potential to exacerbate that problem in Iowa because what that referendum would say is that so much of everybody's land is going to be retired. That is what it would say.

So some of the best farmland in America located in Iowa would mandatorily be required to be retired, and land that was put in production in the 1970's, pastureland that should never be in production, land that we would like to get out of production because it is very fragile and very erodible land, 70 to 80 percent of that land, whatever the percentage is, would be in production as a result of this referendum. So what you are doing is artificially deflating the value of that good farmland in Iowa, exacerbating the problem that the Governor confronts today, and artificially inflating land in other parts of the country that should never have been put into production to begin with. You are artificially transferring land values from one place to another by imposing upon the relationship between agriculture and the Government of the United States this mandatory condition that so much of everybody's land must be retired.

That simply has not been thought out by our good friend, the gentleman from Missouri. It has not been thought out by our very good friend, the gentleman from Iowa, who spon-

sored a somewhat similar proposal. Those things need to be considered, and if you consider the whole of those things, as I am sure the farmers surely will, the next year they are not going to vote for those things.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MADIGAN] has expired.

(By unanimous consent, Mr. MADIGAN was allowed to proceed for 30 additional seconds.)

Mr. MADIGAN. So, Mr. Chairman, to simplify this process and to respond to this call that we give them some referendum to vote on, let us allow them to vote on a referendum on what we do here. I do not see anything wrong with that. I think it is not confusing to them at all. It is not time-delaying or dilatory in any way. It is to the point, it gives them something to vote on, and it gets us on with our business.

Mr. Chairman, I yield back the balance of my time.

Mr. ALEXANDER. Mr. Chairman, I rise in opposition to the Smith substitute and in support of the Volkmer amendment.

Mr. Chairman, I would first like to thank my friend, the gentleman from Illinois [Mr. MADIGAN], for yielding to me to respond to his question that he posed to the committee a moment ago. But I see it somewhat differently.

I will admit with the gentleman that the situation can become confusing very fast, and that Members of Congress who are not familiar with farm bills can be confused by a debate which replaces reason with rhetoric. And I do not mean by that that the gentleman is insincere. I think that the gentleman is sincere in attempting to continue the current policy, and that is in effect what the gentleman's amendment would do. He would continue the current policy.

The Governor of Iowa declared a state of emergency today because the current farm policy has placed farmers in a state of chaos and a state of bankruptcy. The import of the Governor's declaration of emergency has the impact of allowing farmers who are threatened with foreclosure to go into the State courts and to seek a moratorium based upon Iowa law to prevent that foreclosure from taking their farms and taking their homes in satisfaction of the delinquent debts which they owe.

Iowa is not different from Arkansas or the district that I represent, nor is it different from any farm State in the Nation. Just today a group of Arkansas farmers came to my office, one of whom is a lifelong friend whom I have known for my entire life. His father farmed, he has farmed, and he has children. He said to me that "The current farm law has so darkened the future of farming that I regret that my children cannot carry on the family tradition that was handed down to me by my father, and I have recommended to them that they seek their futures elsewhere."

That is a tragedy that is repeated across this land in thousands and thousands of cases because the current farm policy is bankrupt. It has not worked.

Any why has it not worked? It has not worked because the present farm policy is based upon the presumption of export. Roughly 50 to 60 percent of our products that we produce on the farm are intended for foreign markets. We hear throughout the news today that we cannot sell our products overseas because of an overvalued dollar, which makes our products too expensive to foreigners. That is true of corn, it is true of wheat, and it is true of soybeans. It is true of Caterpillar building equipment. It is true of anything we produce for export.

As a result of this overvalued dollar, our warehouses are bulging at the seams, and it is costing the American taxpayer a million dollars a day to store those products, that surplus.

Now, what are the farmers asking through this amendment offered by the gentleman from Missouri? They are asking to replace the current bankrupt policy with a rule of reason. They know that they cannot sell their products because of current economic conditions and current economic policy, so they want the right to vote to reduce their production and, therefore, allow the law of supply and demand to raise the prices when the current surplus is sold and eliminated.

□ 1700

That is all the farmers are asking is the right to reduce their production, which reduces the cost to the Government, it reduces the deficit, it makes better the economic conditions in our country. It even has the potential of lowering interest rates because our farmers want to lower the deficit.

The gentleman's amendment would in effect continue this policy, continue this bankruptcy, continue the tragedy which I made reference to earlier in calling upon the story told to me by my friend, the gentleman from Arkansas.

Mr. FRANKLIN. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield briefly to the gentleman from Mississippi.

The CHAIRMAN. The time of the gentleman from Arkansas [Mr. ALEXANDER] has expired.

(By unanimous consent, Mr. ALEXANDER was allowed to proceed for 3 additional minutes.)

Mr. ALEXANDER. Mr. Chairman, I yield to the gentleman from Mississippi.

Mr. FRANKLIN. Mr. Chairman, I thank my friend from across the river for yielding on this point.

I would like to ask my colleague from Arkansas, who represents basically the same kind of farm country that I do, we are right across the river and represent the great Mississippi Delta, if the gentleman is aware of the testimony that came before the Agriculture Committee concerning the referendum of the gentleman from Missouri [Mr. VOLKMER], that if it were passed there would have to be mandatory set-asides of upwards of 50 percent in most of the crop commodities included if the referendum passes and the mandatory type controls go into effect.

I want to know if the gentleman is aware of that and if his Arkansas farmers are aware of that.

Mr. ALEXANDER. Mr. Chairman, I will reclaim my time. I am aware of the gentleman's source of information, the U.S. Department of Agriculture. That is in error, the same as their current policy is wrong.

The Volkmer amendment would allow up to 35 percent cutback if the farmers themselves voted that amendment in effect and it would allow a 20-percent set-aside for the small farmer who earns less than $200,000 annual gross income.

I do not give credibility to the Department of Agriculture's representations on this subject. I am sorry. If the gentleman would like to cite additional data, I would be pleased to recognize him; but the Department of Agriculture has no credibility on this particular subject, because the information that it has put out is just as wrong as the policy that it is imposing upon the American farmer.

The gentleman from Missouri is trying to change that policy and that is why I support his amendment and I oppose the amendment to it that is offered.

I would say in addition on this subject, Mr. Chairman, that to urban Members of Congress who are not familiar with all of the intricacies of a farm bill, that the proposal offered by the gentleman from Missouri [Mr. VOLKMER] would cost less to the American taxpayer. It would reduce the deficit. It would raise income to the American farmer and it would help every American citizen.

Now, some people come back and say, "Well, you're going to raise consumer prices."

The amount of wheat in a loaf of bread is just a small percentage of the cost. It might raise the cost of a loaf of bread 4 cents or 3 cents or 5 cents, but not very much.

We are asking for the law of supply and demand and the rule of reason to be applied to the plight of the American farmer. That is all we are asking in the amendment offered by the gentleman from Missouri.

Mr. Chairman, I vigorously support the gentleman's amendment and I urge my colleagues, especially those from the urban areas of this country, to give consideration to this proposal.

The CHAIRMAN. The time of the gentleman for Arkansas [Mr. ALEXANDER] has again expired.

(At the request of Mr. FRANKLIN, and by unanimous consent, Mr. ALEXANDER was allowed to proceed for an additional 3 minutes.)

Mr. FRANKLIN. Mr. Chairman, will the gentleman yield to me?

Mr. ALEXANDER. I yield to the gentleman from Mississippi.

Mr. FRANKLIN. Mr. Chairman, as the gentleman knows, the referendum proposed by the gentleman from Missouri that is before us now only covers wheat and feed grains.

Mr. ALEXANDER. That is correct.

Mr. FRANKLIN. The gentleman and I have a common interest in other crops and commodities that are grown so abundantly in our districts. They are cotton, rice, and soybeans.

Does the gentleman from Arkansas advocate that we apply the same kind of a referendum to those major crop commodities that the gentleman and I are so desperately interested in in our part of the country?

Mr. ALEXANDER. Indeed, I do; but the subject before us is wheat and feed grains.

Mr. FRANKLIN. Well, will the gentleman continue to yield?

Mr. ALEXANDER. I yield to the gentleman.

Mr. FRANKLIN. I would like to say that the consensus of the people I talked to who represent comparable farms to those the gentleman represents do not feel that they can possibly make it by having to set aside up to 50 percent of the acreage that they are now producing.

Mr. ALEXANDER. The gentleman continues to use Department of Agriculture data which I have refuted.

Mr. FRANKLIN. Well, please, will the gentleman yield further?

Mr. ALEXANDER. I yield to the gentleman.

Mr. FRANKLIN. Where in this world should we go for competent data other than to the Government or agency who is responsible for keeping the statistics and knowing the things and who has the capability of coming and telling us what from the ASCS office is dependable?

Mr. ALEXANDER. May I answer the gentleman's question?

Mr. FRANKLIN. Go right ahead.

Mr. ALEXANDER. That is one of the reasons that our farm situation is in such a dismal mess, because we have had to rely upon the Department of Agriculture.

Mr. FRANKLIN. Well, then, the gentleman will not concede that there will have to be substantial reductions of a mandatory nature if a referendum of this nature is passed.

Mr. ALEXANDER. I am sorry. I was talking to someone. Would the gentleman repeat that?

Mr. FRANKLIN. The gentleman would certainly concede that if this referendum was passed, there would have to be substantial amounts of reductions in acreage planted.

Mr. ALEXANDER. That is the idea.

Mr. FRANKLIN. As opposed to what currently we do in setting aside crops in the acreage allotments.

Mr. ALEXANDER. That is the idea, to reduce production so that the supply will be lower and the price will rise.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Missouri.

Mr. EMERSON. Mr. Chairman, is the gentleman saying that the data supplied by the local ASCS offices is inaccurate?

Mr. ALEXANDER. I am saying that the information that the gentleman from Mississippi has offered in arguing his position against the amendment of the gentleman from Missouri (Mr. VOLKMER) is inaccurate.

Mr. EMERSON. Mr. Chairman, if the gentleman will yield further, the gentleman from Arkansas said that he has refuted the data of the Department of Agriculture. I understood that the gentleman disagreed with the data of the Department of Agriculture, but I did not hear the gentleman refute it.

Mr. ALEXANDER. Well, I can refute it to give the gentleman's supporting data to refute it. I have it here from the various sources, including committees that we depend upon like the Budget Committee and so on, that refutes that data; but there again, we are arguing the amendment of the gentleman from Missouri, not the plight of the Department of Agriculture.

Mr. WATKINS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Volkmer amendment and against the Smith amendment.

Mr. Chairman, this is my first time to stand and speak concerning this agriculture legislation; however, I think most of the Members know my roots go deep in agriculture. Like some of you, I have spent many years on a small family farm. A drought caused us to lose everything we had on that family farm and due to brucellosis, we lost everything in our cattle business. I loved agriculture and the soil so much that I went off and majored in agriculture at Oklahoma State University, our land grant university.

I stand here today to plead with my colleagues to listen very closely to what is being offered, because I truly believe as I stand in this well today that if we want to save the family farmer in the United States of America, we need to vote for the Volkmer mandatory set-aside or the Bedell voluntary set-aside program. If we are going to improve the agriculture income in America, if we are going to be able to allow the family farmer to exist and survive, the farmer must be able to make a profit.

The policy that is being offered on set aside is not new, other agricultural commodities have a quota or limit on production.

It would be a new direction for wheat, corn, and feed grains, but it is not new in other commodities and it has worked in other commodities.

I plead with my colleagues who may be wondering what to do with this farm bill, to listen carefully, because if we move in this direction, we can assist the farmer to receive a profit on less acreage with the set-aside. The farmer will be able to survive.

Some people will say, well, we can give them more loans and more credit. The farmer does not need more loans and more credit. They have got to have a profit. In our rural areas of this country today, we have a desperate economic crisis on the family farm.

The small rural communities are facing a disaster, not just a family farmer, but the rural communities of this country. The rural businesses are facing bankruptcies, more bankruptcies of farm implement dealerships than at any time since the Great Depression. Businesses are going under. They are not going to be able to survive unless the farmer has a profit so he can pay his bills.

There have been more bank closures than at any other time since the Great Depression. There have been over 230 banks closed in the last 4 years. The American Bankers Association will tell you today that there are 1,138 problem banks in rural America and throughout this country. Most of them are agriculture related banks. The bank cannot survive unless the farmer makes a profit.

The farm credit system in this Nation is facing drastic losses. There are $220 billion out there in farm credit and $75 billion of that is with the farm credit system. The farm credit system will have to be bailed out. Why? Because the farmer for many years has not had a profit. They have got to have a profit. In the past they have been able to stay in business because the equity of their land has increased for 40 years. But what has happened in the last 4 years? Not since the Great Depression have we seen land prices go down 4 years in a row, when most farmers in rural America today have lost 50 percent of their equity.

They cannot refinance. They have got to have a profit. They cannot continue.

I plead with my colleagues to realize that only the Volkmer amendment or the Bedell amendment will allow them to move to a profitable picture. They have got to have a profit in rural America or you are tearing the fiber apart in America. That is not the way we want to go in this country.

As I mentioned, 4 years of deflation has caused the greatest number of farm foreclosures ever to take place since the Great Depression. The only way we can turn it around is with these amendments.

The over-valued dollar has increased 45 percent in the last 5 years which has put a tariff on any exports of agricultural commodities overseas. The farmer cannot compete with the other countries under those conditions.

I ask you two questions, two questions to the people of America and to my colleagues: One, how long can a nuclear submarine stay under water? A nuclear submarine can stay under water for eternity as long as the crew has food, only if they have food.

Then I ask one other question to the people in this body and across America. Is a farm agricultural industry important or necessary to the national security of our country? I submit to you the answer is "Yes." If you agree then the only way we can have the family farmer survive and the family unit to survive would be to pass the Volkmer amendment or the Bedell amendment.

Mr. BROWN of Colorado. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the Smith amendment.

Mr. Chairman, I will be brief. It does seem to me that the effort to provide American farmers an opportunity to choose or vote on the plan that affects their lives as much as any that our Government applies to them is appropriate. I think it is appropriate to give them a voice and an opportunity to choose.

I think the amendment of the gentleman from Oregon [Mr. ROBERT F. SMITH] does that and is well worth consideration of this body.

Mr. ROBERT F. SMITH. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Oregon.

Mr. ROBERT F. SMITH. Mr. Chairman, I thank the gentleman from Colorado for yielding.

Mr. Chairman, we have heard two impassioned pleas for a new method of determining what should happen in agriculture in America. I suggest that we agree with the results of all those impassioned pleas, that agriculture indeed is in deep trouble; yet those same pleas were offered to the members of the Agriculture Committee. I suggest that if they had been adopted, then they would be part of the agricultural bill, which they are not, and it would be part of the referendum that I am proposing to make to the people in agriculture and to the farmers of America.

Obviously, those offers, those amendments, were not adopted by the Committee on Agriculture.

While we are talking about the Volkmer amendment, let me point out from a study done by the University of Missouri and Iowa State University about the 1985 farm bill, that if you want to get to 80 percent parity, and that is close to the Volkmer amendment, you must address your set-aside to 43 percent of the utilization, which means, by the way, that is an increase from 35 percent in the Volkmer amendment to 43 percent.

Then I must point to another part of the bill that has not been mentioned. That is simply that the bill also allows, the Volkmer amendment also allows the Secretary of Agriculture to insert quotas in addition to the set-asides if there are surpluses building.

□ 1715

I suggest that since 1981 we have had a 30 percent set-aside with surpluses building all the while. The question is: At 35 percent are we going to have surpluses building? The answer is yes.

The next question: How far will the Secretary go under your authorization of Volkmer in quotas? He will go as far as he needs to to stop surpluses from building. That means, I think, that we may well be at 50 percent set-aside, and I suggest that no farmer in America, if he cannot live on his farm now, can live on half his farm, and that is what we are doing.

My amendment, I again reiterate, brings the best that we can find from the Committee on Agriculture to the people of America. It brings the best. We have had these offers of amendments. We have had these other thoughts. They have not been adopted.

We want the people of America to vote on a farm bill. We want it to be the best consensus of minds we can find, and that is what I am proposing and that is what I would like to return to the people in America.

Mr. DURBIN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Missouri [Mr. VOLKMER].

It was my honor several years ago to serve on the House Committee on Agriculture, and with many of the gentlemen who have spoken today on the problems facing American agriculture. Representing a district, as I do, in central and western Illinois with strong agricultural resources and major agricultural problems, I can certainly identify with this debate. I see it every weekend when I return to the district and I have felt it in the economy of the district and I have certainly felt it in terms of the people who come to visit my office in despair over the present state of agriculture in America.

It is with some reluctance that I rise today in opposition to the Volkmer amendment. I want to salute my colleague from Missouri across the river for his ingenuity in proposing a new idea in agriculture. Although this might have been hinted at in previous programs, this is a departure from American agricultural policy. What he has suggested in terms of a mandatory referendum strikes us out on a new path, but I believe in voting against the Volkmer amendment today and I hope my colleagues would agree that it is a path which we should not follow for the following reasons:

If we are going to undertake a program to try and maintain a price level for American farmers by restricting production, we will have to accept the consequences of that program. The consequences will not be limited to the farm itself. The consequences will be felt all across America, in rural and urban areas. This is not a solution for farmers that will be borne solely by farmers. It is a solution that all America will pay for.

An analysis which I believe is one that should be commended to all the Members was done by the University of Missouri and the University of Iowa. The gentleman from Oregon [Mr. ROBERT F. SMITH] referred to it a few minutes ago. It analyzed an 80-percent parity proposal, which is slightly higher than what the gentleman from Missouri is suggesting, but I believe that analysis is topical for our discussion today.

If we pursue a mandatory control program, as the gentleman from Missouri suggests, if we try to assume that we are going to hit a level of parity by supply control, here is what we accept: By the year 1990, America's agricultural exports will decline by one-third—one-third. We will be removing ourselves from the world market. We will become domestic producers and domestic consumers.

What we will do by raising the price level in the United States is to set a higher level for our competitors to reach, and what will it mean? It will mean that countries around the globe will decide that perhaps that marginal acreage can now be put in tillable production because the price level that the United States seeks to set is one that they can produce at and turn a profit and put more acreage under production. What it means is more competition for us abroad as we withdraw from the world market.

As we withdraw acreage from production to keep a high price level, we will also see unemployment increase in

the United States. There will be less production, fewer materials used by our farmers, rural communities—and the gentleman from Oklahoma mentioned earlier the impact of today's farm economy on rural communities, and I have seen it—but consider if we take 45 percent of our land out of production how much business they will have to do at the bank in the rural community, how much business there will be at the seed and fertilizer dealer, how many people will be making tractors. Even fewer than today, I am afraid.

As we restrict imports, which is a necessary element in this program, we will see the emergence of another factor, the emergence of a major Government agency. There have been disparaging remarks about the U.S. Department of Agriculture, and I can always draw an applause in my district by suggesting that as well. But if we pass a mandatory control program, we will be creating a police department in the U.S. Department of Agriculture to go about this country and make certain that every producer is not producing beyond his or her quota.

The farmers who value their independence will see those days long gone. Instead, they will see a police action to keep their acreage under control far more than what they see today.

Finally, there is a suggestion that consumer prices would increase 20 to 25 percent. I am not a person who suggests that the American consumers do not have the best deal in the world. They do. We have a variety and a price which other countries envy. But this kind of increase over a short period of time will necessarily bring about a backlash from the rest of America outside of rural America that will see this program quickly abandoned.

I rise in opposition to the Volkmer proposal. I believe that although it addresses this problem with a unique and innovative approach, it is not the approach which we should follow today.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. DURBIN] has expired.

(On request of Mr. VOLKMER and by unanimous consent, Mr. DURBIN was allowed to proceed for 3 additional minutes.)

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from Missouri.

Mr. VOLKMER. I thank the gentleman for yielding.

Mr. Chairman, I would like to inquire whether the gentleman realizes that under the bill as it is drafted and before you on the export programs, we have provisions for export subsidy-type programs that will take care of the export markets, and the studies that have been made on that indicate that the exports will not necessarily decline to the extent that the gentleman proposes. That study was made by the University of Missouri without any export subsidies being taken into consideration.

Mr. DURBIN. I might say to the gentleman that if we are going to embark on an export subsidy program to make up the difference between the world price and some effort to reach parity, we are also embarking on a very expensive program.

Mr. VOLKMER. It is shown that it is cheaper, and the CBO has done a study on it, than what we are doing in the bill and what undoubtedly the gentleman may support. Budgetwise, it is easier to subsidize one-third or 30 percent of corn production than it is 100 percent of it.

Mr. DURBIN. I might suggest to the gentleman that the impact of reducing the acreage under production 45 percent of the corn acreage, for example, in the United States would have a devastating negative impact.

Mr. VOLKMER. It is not 45 percent. It is 20 percent on corn.

Mr. MARLENEE. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from Montana.

Mr. MARLENEE. I thank my colleague for yielding to me.

Mr. Chairman, I want to commend the gentleman on his remarks and insight into the problems that are created with this kind of an approach to supply management, this kind of an approach to exports, this kind of an approach to trying to give the producers a program that they can understand and live with.

The gentleman's reference to a police state should be well taken, because I have lived through the mandatory control programs. That was one of the reasons that they were voted down a number of years ago, because of the problems that occurred there.

I certainly commend the gentleman and wish to associate myself with his remarks.

Mr. DASCHLE. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I would be happy to yield to the gentleman from South Dakota.

Mr. DASCHLE. Mr. Chairman, I rise in support of the Volkmer amendment. I do so for a very simple, albeit important reason, that reason is "price."

The bottom line on success or failure for us as we draft farm policy during the next 4 years will be a simple question, "What did we do to improve price?"

Improving price and thereby income is what must be our ultimate, in fact, our only major priority.

More than any other amendment, more than even the bill itself, this amendment will allow us to accomplish this goal.

Yet it set prices at rates below even what they were during the midseventies. Prices, I would add, that were increasing at the very time our exports were increasing and at the same time that livestock prices were reaching all-time highs.

And we provide the opportunity at long last, to increase income at dramatically reduced cost to the Federal Government.

This amendment will not give farmers larger subsidies. It will not give them fancy, complicated and confusing new programs with which to control. It will not be the final solution to the grave difficulties we face in agriculture.

But it is a start. It is a major improvement to the bill. I does do what we need to do most. It gives us a price. It deserves the support of the House.

Mr. WATKINS. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from Oklahoma.

Mr. WATKINS. I thank the gentleman for yielding.

Mr. Chairman, I would like to say to the gentleman that this is not a new policy. We are using this policy basically in several other commodities with some deviation.

Mr. DURBIN. Peanuts, for example?

Mr. WATKINS. Peanuts and tobacco, and we have quotas for milk and various things like that. It is the only way we can get production in line and also allow a profit to be made on the farm.

I was taught in 4-H and FFA to grow two blades of grass in place of one, and four in place of one, if possible. We did just that when we had an acreage-type allotment, but when we finally applied poundage quota or a bushel quota or a tonnage quota on the programs it worked. That is the only way basically we could get everything in line.

We have done a good job producing but let me say this is not basically a new policy but this is a policy that I think definitely would move our farmers toward a profitable picture in agriculture and it is definitely needed, because the situation is very grave today, in rural America as the gentleman knows.

Mr. VOLKMER. Mr. Chairman, I move to strike the requisite number of words, and I would like to speak very briefly in opposition to the Smith amendment.

To be very brief, it appears to me, after reviewing the Smith amendment, that it really would do away completely with the mandatory program amendment; that it is meant basically as what some of us used to call in legislative parlance back in the State legislature as a killer amendment because

all it really does is replace it with a referendum on existing programs.

What the gentleman from Oregon could have proposed at any other place in the bill did not have to be done in opposition to the Volkmer amendment.

□ 1725

I think if you want a clearcut vote up or down on the Volkmer mandatory program, then we should defeat the amendment of the gentleman from Oregon.

I also feel very strongly that since it does impact on cotton and rice, et cetera, and many of the people from those areas do not wish to have a referendum on those programs, I feel very strongly that we should defeat the amendment of the gentleman from Oregon.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon [Mr. ROBERT F. SMITH] to the amendment offered by the gentleman from Missouri [Mr. VOLKMER], as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ROBERT F. SMITH. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quroum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 324]

| | | |
|---|---|---|
| Ackerman | Boggs | Clay |
| Akaka | Boland | Clinger |
| Alexander | Boner (TN) | Coats |
| Anderson | Bonior (MI) | Cobey |
| Andrews | Borski | Coble |
| Annunzio | Bosco | Coelho |
| Applegate | Boucher | Coleman (MO) |
| Archer | Boulter | Coleman (TX) |
| Armey | Boxer | Combest |
| Aspin | Breaux | Conte |
| Atkins | Brooks | Conyers |
| AuCoin | Broomfield | Cooper |
| Badham | Brown (CA) | Coughlin |
| Barnard | Brown (CO) | Courter |
| Barnes | Broyhill | Coyne |
| Bartlett | Bruce | Craig |
| Barton | Bryant | Crane |
| Bateman | Burton (CA) | Daniel |
| Bates | Burton (IN) | Dannemeyer |
| Bedell | Bustamante | Darden |
| Beilenson | Byron | Daschle |
| Bennett | Callahan | Daub |
| Bentley | Campbell | Davis |
| Bereuter | Carper | de la Garza |
| Berman | Carr | DeLay |
| Bevill | Chandler | Dellums |
| Biaggi | Chapman | DeWine |
| Bilirakis | Chappell | Dickinson |
| Bliley | Chappie | Dicks |
| Boehlert | Cheney | Dingell |
| DioGuardi | Kanjorski | Ortiz |
| Dixon | Kaptur | Owens |
| Donnelly | Kasich | Oxley |
| Dorgan (ND) | Kastenmeier | Packard |
| Dornan (CA) | Kemp | Panetta |
| Dowdy | Kennelly | Parris |
| Downey | Kildee | Pashayan |
| Dreier | Kindness | Pease |
| Duncan | Kleczka | Penny |
| Durbin | Kolbe | Pepper |
| Dwyer | Kolter | Perkins |
| Dymally | Kostmayer | Petri |
| Dyson | Kramer | Pickle |
| Early | LaFalce | Porter |
| Eckart (OH) | Lagomarsino | Price |
| Eckert (NY) | Lantos | Pursell |
| Edgar | Latta | Quillen |
| Edwards (CA) | Leach (IA) | Rahall |
| Edwards (OK) | Leath (TX) | Rangel |
| Emerson | Lehman (CA) | Ray |
| English | Lehman (FL) | Regula |
| Erdreich | Leland | Reid |
| Evans (IA) | Lent | Richardson |
| Evans (IL) | Levin (MI) | Ridge |
| Fascell | Levine (CA) | Rinaldo |
| Fawell | Lewis (CA) | Ritter |
| Fazio | Lewis (FL) | Roberts |
| Feighan | Lightfoot | Robinson |
| Fiedler | Lipinski | Rodino |
| Fields | Livingston | Roe |
| Fish | Lloyd | Roemer |
| Flippo | Loeffler | Rogers |
| Florio | Long | Rose |
| Foglietta | Lott | Rostenkowski |
| Foley | Lowery (CA) | Roth |
| Ford (MI) | Lowry (WA) | Roukema |
| Ford (TN) | Lujan | Rowland (GA) |
| Fowler | Luken | Roybal |
| Frank | Lundine | Rudd |
| Franklin | Lungren | Russo |
| Frenzel | Mack | Sabo |
| Fuqua | MacKay | Savage |
| Gallo | Madigan | Saxton |
| Garcia | Manton | Schaefer |
| Gaydos | Markey | Scheuer |
| Gejdenson | Marlenee | Schneider |
| Gekas | Martin (IL) | Schroeder |
| Gephardt | Martin (NY) | Schuette |
| Gibbons | Martinez | Schulze |
| Gilman | Matsui | Schumer |
| Gingrich | Mavroules | Seiberling |
| Glickman | Mazzoli | Sensenbrenner |
| Gonzalez | McCain | Shaw |
| Goodling | McCandless | Shelby |
| Gordon | McCloskey | Shumway |
| Gradison | McCollum | Shuster |
| Gray (IL) | McCurdy | Sikorski |
| Gregg | McDade | Siljander |
| Grotberg | McEwen | Sisisky |
| Guarini | McGrath | Skeen |
| Gunderson | McHugh | Skelton |
| Hall (OH) | McKernan | Slattery |
| Hall, Ralph | McKinney | Slaughter |
| Hamilton | McMillan | Smith (FL) |
| Hammerschmidt | Meyers | Smith (IA) |
| Hansen | Mica | Smith (NE) |
| Hartnett | Michel | Smith (NJ) |
| Hatcher | Mikulski | Smith, Denny (OR) |
| Hawkins | Miller (CA) | |
| Hayes | Miller (OH) | Smith, Robert (NH) |
| Hefner | Miller (WA) | |
| Heftel | Mineta | Smith, Robert (OR) |
| Hendon | Molinari | |
| Henry | Mollohan | Snowe |
| Hertel | Monson | Snyder |
| Hiler | Montgomery | Solarz |
| Hillis | Moody | Solomon |
| Holt | Moore | Spence |
| Hopkins | Moorhead | Spratt |
| Horton | Morrison (CT) | St Germain |
| Howard | Morrison (WA) | Staggers |
| Hoyer | Mrazek | Stallings |
| Hubbard | Murphy | Stangeland |
| Huckaby | Murtha | Stark |
| Hughes | Myers | Stenholm |
| Hunter | Natcher | Stokes |
| Hutto | Neal | Strang |
| Hyde | Nelson | Stratton |
| Ireland | Nichols | Studds |
| Jacobs | Nielson | Stump |
| Jeffords | Nowak | Sundquist |
| Jenkins | O'Brien | Sweeney |
| Johnson | Oakar | Swift |
| Jones (NC) | Oberstar | Swindall |
| Jones (OK) | Obey | Synar |
| Jones (TN) | Olin | Tallon |
| Tauke | Visclosky | Wirth |
| Tauzin | Volkmer | Wise |
| Taylor | Vucanovich | Wolf |
| Thomas (CA) | Walgren | Wolpe |
| Thomas (GA) | Walker | Wortley |
| Torres | Watkins | Wright |
| Torricelli | Weaver | Wyden |
| Towns | Weber | Wylie |
| Traficant | Weiss | Yates |
| Traxler | Wheat | Yatron |
| Udall | Whitley | Young (AK) |
| Valentine | Whittaker | Young (FL) |
| Vander Jagt | Whitten | Young (MO) |
| Vento | Wilson | Zschau |

□ 1740

The CHAIRMAN. Four hundred seventeen Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Oregon [Mr. ROBERT F. SMITH] for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 107, noes 319, not voting 8, as follows:

[Roll No. 325]

AYES—107

| | | |
|---|---|---|
| Ackerman | Hansen | Packard |
| Anderson | Hopkins | Parris |
| Applegate | Hubbard | Regula |
| Bartlett | Ireland | Roberts |
| Bentley | Jeffords | Rogers |
| Bereuter | Kasich | Roth |
| Bilirakis | Kemp | Rudd |
| Boehlert | Kindness | Schaefer |
| Boulter | Kramer | Schroeder |
| Broomfield | Lagomarsino | Sensenbrenner |
| Brown (CO) | Leach (IA) | Shaw |
| Burton (IN) | Lent | Shumway |
| Chandler | Lewis (CA) | Siljander |
| Chappie | Lewis (FL) | Skeen |
| Cheney | Lightfoot | Smith (NE) |
| Coble | Lott | Smith, Denny (OR) |
| Combest | Lujan | |
| Conte | Lundine | Smith, Robert (OR) |
| Craig | Madigan | |
| Daub | Marlenee | Snowe |
| Davis | Martin (IL) | Snyder |
| DeWine | Martin (NY) | Solarz |
| Dreier | Mazzoli | Solomon |
| Edwards (OK) | McCollum | Stangeland |
| Emerson | McDade | Strang |
| Fiedler | McEwen | Sweeney |
| Fish | McKernan | Tauke |
| Franklin | Meyers | Taylor |
| Frenzel | Michel | Vander Jagt |
| Gekas | Miller (OH) | Whitehurst |
| Gibbons | Monson | Whittaker |
| Gilman | Montgomery | Wolf |
| Gingrich | Moorhead | Wylie |
| Goodling | Morrison (WA) | Young (AK) |
| Grotberg | Myers | Young (FL) |
| Gunderson | Nielson | |
| Hammerschmidt | O'Brien | |

NOES—319

| | | |
|---|---|---|
| Akaka | Bennett | Bryant |
| Alexander | Berman | Burton (CA) |
| Andrews | Bevill | Bustamante |
| Annunzio | Biaggi | Byron |
| Anthony | Bliley | Callahan |
| Archer | Boggs | Campbell |
| Armey | Boland | Carper |
| Aspin | Boner (TN) | Carr |
| Atkins | Bonior (MI) | Chapman |
| AuCoin | Borski | Chappell |
| Badham | Bosco | Clay |
| Barnard | Boucher | Clinger |
| Barnes | Boxer | Coats |
| Barton | Breaux | Cobey |
| Bateman | Brooks | Coelho |
| Bates | Brown (CA) | Coleman (MO) |
| Bedell | Broyhill | Coleman (TX) |
| Beilenson | Bruce | Collins |

| | | |
|---|---|---|
| Conyers | Hyde | Reid |
| Cooper | Jacobs | Richardson |
| Coughlin | Jenkins | Ridge |
| Courter | Johnson | Rinaldo |
| Coyne | Jones (NC) | Ritter |
| Crane | Jones (OK) | Robinson |
| Crockett | Jones (TN) | Rodino |
| Daniel | Kanjorski | Roe |
| Dannemeyer | Kaptur | Roemer |
| Darden | Kastenmeier | Rose |
| Daschle | Kennelly | Rostenkowski |
| de la Garza | Kildee | Roukema |
| DeLay | Kleczka | Rowland (GA) |
| Dellums | Kolbe | Roybal |
| Derrick | Kolter | Russo |
| Dickinson | Kostmayer | Sabo |
| Dicks | LaFalce | Savage |
| Dingell | Lantos | Saxton |
| DioGuardi | Latta | Scheuer |
| Dixon | Leath (TX) | Schneider |
| Donnelly | Lehman (CA) | Schuette |
| Dorgan (ND) | Lehman (FL) | Schulze |
| Dornan (CA) | Leland | Schumer |
| Dowdy | Levin (MI) | Seiberling |
| Downey | Levine (CA) | Shelby |
| Duncan | Lipinski | Shuster |
| Durbin | Livingston | Sikorski |
| Dwyer | Lloyd | Sisisky |
| Dymally | Loeffler | Skelton |
| Dyson | Long | Slattery |
| Early | Lowery (CA) | Slaughter |
| Eckart (OH) | Lowry (WA) | Smith (FL) |
| Eckert (NY) | Luken | Smith (IA) |
| Edgar | Lungren | Smith (NJ) |
| Edwards (CA) | Mack | Smith, Robert (NH) |
| English | MacKay | Spence |
| Erdreich | Manton | Spratt |
| Evans (IA) | Markey | St Germain |
| Evans (IL) | Martinez | Staggers |
| Fascell | Matsui | Stallings |
| Fawell | Mavroules | Stark |
| Fazio | McCain | Stenholm |
| Feighan | McCloskey | Stokes |
| Fields | McCurdy | Stratton |
| Flippo | McGrath | Studds |
| Florio | McHugh | Stump |
| Foglietta | McKinney | Sundquist |
| Foley | McMillan | Swift |
| Ford (MI) | Mica | Swindall |
| Ford (TN) | Mikulski | Synar |
| Fowler | Miller (CA) | Tallon |
| Frank | Miller (WA) | Tauzin |
| Frost | Mineta | Thomas (CA) |
| Fuqua | Mitchell | Thomas (GA) |
| Gallo | Molinari | Torres |
| Garcia | Mollohan | Torricelli |
| Gaydos | Moody | Towns |
| Gejdenson | Moore | Traficant |
| Gephardt | Morrison (CT) | Traxler |
| Glickman | Mrazek | Udall |
| Gonzalez | Murphy | Valentine |
| Gordon | Murtha | Vento |
| Gradison | Natcher | Visclosky |
| Gray (IL) | Neal | Volkmer |
| Gray (PA) | Nelson | Vucanovich |
| Gregg | Nichols | Walgren |
| Guarini | Nowak | Walker |
| Hall (OH) | Oakar | Watkins |
| Hall, Ralph | Oberstar | Waxman |
| Hamilton | Obey | Weaver |
| Hartnett | Olin | Weber |
| Hatcher | Ortiz | Weiss |
| Hawkins | Owens | Wheat |
| Hayes | Oxley | Whitley |
| Hefner | Panetta | Whitten |
| Heftel | Pashayan | Williams |
| Hendon | Pease | Wilson |
| Henry | Penny | Wirth |
| Hertel | Pepper | Wise |
| Hiler | Perkins | Wolpe |
| Hillis | Petri | Wortley |
| Holt | Pickle | Wright |
| Horton | Porter | Wyden |
| Howard | Price | Yates |
| Hoyer | Pursell | Yatron |
| Huckaby | Quillen | Young (MO) |
| Hughes | Rahall | Zschau |
| Hunter | Rangel | |
| Hutto | Ray | |

NOT VOTING—8

| | | |
|---|---|---|
| Addabbo | Green | Rowland (CT) |
| Bonker | McCandless | Sharp |
| Carney | Moakley | |

□ 1750

Mr. WYDEN, Mr. MACK, and Mr. SMITH of New Hampshire changed their votes from "aye" to "no."

So the amendment to the amendment, as amended, was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. EVANS OF ILLINOIS TO THE AMENDMENT OFFERED BY MR. VOLKMER, AS AMENDED

Mr. EVANS of Illinois. Mr. Chairman, I offer an amendment to the amendment, as amended.

The Clerk read as follows:

Amendment offered by Mr. EVANS of Illinois to the amendment offered by Mr. VOLKMER, as amended: Strike out section 514 and insert in lieu thereof the following new section:

"FARM PRODUCTION ACREAGES

"SEC. 514. (a) The national production acreage for a commodity shall be apportioned by the Secretary among farms, through local committees, in accordance with this section.

"(b)(1) To be eligible to receive a farm production acreage for a commodity for any crop year, a producer must complete and submit to the Secretary an application which contains—

"(A) the eligible crop acres of the producer, as determined under paragraph (2); and

"(B) the average annual gross farm program income by producers of such commodity during the five preceding crop years (excluding the highest and lowest years), as determined under paragraph (3).

"(2)(A) Except as provided in subparagraphs (B) and (C), the eligible crop acres of a producer shall equal the number of acres a producer requests to cultivate for the poduction of commodities during a crop year.

"(B) The total number of eligible crop acres of a producer during a crop year may not exceed the product obtained by multiplying—

"(i) the normal crop acres of the producer; by

"(ii) 80 per centum.

"(C) For purposes of subparagaph (B)(i), if a producer places acreage in the conservation reserve program established under section 16B of the Soil Conservation and Domestic Allotment Act, such acreage shall be added to the normal crop acres of the producer.

"(c) The total farm production acreage of a producer for all commodities produced during a crop year under this section shall consist of the base farm production acreage for each commodity determined under subsection (d).

"(d)(1) The base farm production acreage of a producer for a commodity for a crop year shall equal the number of acres obtained by multiplying—

"(A) eligible crop acres of the producer; by

"(B) production acreage apportionment factor of the producer.

"(2) As used in this section, the term 'production acreage apportionment factor' means a percentage obtained by dividing $200,000 by the average annual gross farm program income by producers of such commodity during the five preceding crop years (excluding the highest and lowest years), except that such percentage may not exceed 100 per centum.

"(e) Notwithstanding subsection (d), the farm production acreage of a producer—

"(1) in the case of each crop of wheat shall be no less than 60 per centum of the farm's crop acreage base for wheat; and

"(2) in the case of each crop of feed grains, shall be no less than 70 per centum of the farm's crop acreage base for food grains.

"(f)(1) Except as provided in paragraph (2), a producer may plant one or more commodities (in the producer's discretion) on acreage permitted to be cultivated under a farm production acreage issued under this section for a crop year.

"(2) Notwithstanding section 605, for any crop of wheat or feed grains for which a national marketing certificate program is approved under section 515, no producer of such crop may adjust the producer's crop acreage base for the crop as provided for in section 605, and the producer's base for such crop shall be as determined under title VI without regard to section 605.

"(3) In order to permit the Secretary to issue marketing certificates under section 531, a producer shall inform the Secretary of the number of acres the producer will use for the production of each commodity during each crop year.

"(g) If the normal crop acres of a producer becomes available for any reason, such normal crop acres shall revert to the Secretary and be reapportioned by the Secretary to the next operator of the farm.

"(h) Subject to the provisions of section 535(b) of this title, whenever a wheat or feed grain production acreage for a crop is established for a farm, other than for a crop which the producers on the farm use for on-farm feeding purposes and which the producers on the farm certify in writing will be used exclusively for on-farm feeding purposes during the period for which a national production acreage is in effect, under this section, the producers on the farm may not plant an acreage on the farm to the commodity for harvest for the crop in excess of the farm's production acreage for the commodity; and with respect to farms with a crop acreage base for the commodity and crop involved of less than fifteen acres, producers on the farm may not plant an acreage on the farm to the commodity for harvest for the crop in excess of fifteen acres.

In section 535 of the matter proposed to be inserted, insert the following new subsection:

"(f) If any land is required to be set aside, diverted, or otherwise not cultivated under the provisions of a program under this title, the producer shall satisfy such requirement to the extent possible with highly erodible cropland (as defined in section 1201 of the Food Security Act of 1985). Any such highly erodible land so set aside, diverted, or not cultivated, during a period of four succeeding crop years shall be excluded from any crop acreage base for any program crop (as computed under section 604 of the Agricultural Act of 1949).

Mr. EVANS of Illinois (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MADIGAN. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Illinois. I yield to the gentleman from Illinois.

Mr. MADIGAN. I thank the gentleman for yielding.

Mr. Chairman, I would like to say to the gentleman we have had the opportunity to review his amendment. I think it is a good amendment, and have no objection on this side.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Illinois. I yield to the gentleman from Missouri.

Mr. VOLKMER. I thank the gentleman for yielding.

Mr. Chairman, I am more than willing to accept the amendment offered by the gentleman from Illinois.

**Mr. EVANS of Illinois. Mr. Chairman, today I am offering an amendment to the Volkmer amendment which would do two things:**

**Refine the Volkmer amendment so that it will better target its program to mid-size, family farmers;**

**And ensure that the acreage set aside under the program offered by Mr. Volkmer includes the most highly erodible land.**

**My friend from the State of Missiouri supports this amendment which seeks to improve an already solid proposal.**

**Currently, small and mid-size farms receive significantly less than large farms in both direct benefits under the Federal Farm Program, and indirect benefits in the form of higher prices. Large producers should benefit from higher commodity prices as do other farmers. However, we have to question the wisdom and equity of allowing 22 percent of our direct program benefits to go to large producers who make up only 4.5 percent of all farmers.**

**My amendment in no way undermines the large producer. What it does do is make sure that under the producer-approved wheat and feedgrain program, large producers assume a fair share of the responsibility of cutting our Nation's soaring commodity surplus.**

**Under my amendment, every wheat and feedgrain producer would be required to set aside 20 percent of their crop base. Those farmers who exceed a specific level of gross farm program income would be required to set aside a progressively larger share of their crop base. The set-aside for wheat producers would be capped at 40 percent of their base acreage, while the set-aside for corn and producers of other feedgrains would be capped at 30 percent of the producer's crop base.**

**This is fair for two reasons:**

**First, those producers who must set aside additional acreage are also the producers who are reaping the greatest benefits from the Federal Farm Program. To be specific, they would be the farmers who receive over $200,000 in gross farm program income. It is entirely reasonable that these individuals do their part to reduce the huge surplus of wheat and feedgrains that our Government and taxpayers must contend with.**

**In pure numbers, this amendment would affect only a small percentage of our Nation's farmers. Nevertheless, it is these farms which should make additional cutbacks if needed, not our hard-pressed small and mid-size farms.**

**Second, and most importantly, this targeting provision would boost the farm income of all producers. After all, right now, about 50 percent of all farm income goes to this 4.5 percent of farmers. Our family farms and our large producers, even those very small few who might have to set-aside 40 percent of their crop base, would see greater farm income than under the current farm program.**

**Targeting benefits also makes sense in light of our farm crisis. The large majority of farm debt is held by the mid-size farmers. By targeting benefits, we can help ease the credit crisis, and not waste needed benefits on those large producers that can already make it just fine.**

**The second part of my amendment would require that set-aside lands under the Volkmer proposal include all highly-erodible lands. This provision is supported by many environmental organizations including the Sierra Club and the American Farmland Trust. It is in the best interests of our Nation in terms of reduced soil erosion and water pollution that such lands are set aside. Yet, in some cases, this highly erodible land is also very productive, thereby reducing a farmer's incentive to set it aside. This provision protects the long-term productive interests of our Nation's farmers, and the ability of our country to supply adequate food for our citizens for generations to come.**

**As you know, both Houses of Congress have agreed to provisions in their farm legislation which would establish a long-term conservation reserve. My amendment, by setting aside highly erodible acres under the Volkmer proposal, provides a strong incentive for our farmers to participate in the conservation reserve.**

**I urge my colleagues to support my amendment to strengthen the efforts by the gentleman from Missouri to turn around our country's farm economy.**

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. EVANS] to the amendment offered by the gentleman from Missouri [Mr. VOLKMER] as amended.

The amendment to the amendment, as amended, was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. VOLKMER], as amended.

The amendment as amended, was rejected.

The CHAIRMAN. Are there further amendments to title VA?

AMENDMENT OFFERED BY MR. BEDELL

Mr. BEDELL. Mr. Chairman, I offer an amendment that takes care of some concerns that the Committee on Ways and Means had.

The Clerk read as follows:

Amendment offered by Mr. BEDELL: On page 115, line 5, redesignate paragraph (1) as subparagraph (1)(A). On page 115, after line 13, insert a new subparagraph (B) as follows:

"(B) The Secretary may make available to importers marketing certificates for wheat or wheat products imported during the marketing year for any of the 1986 through 1990 crops of wheat for which a national marketing certificate program is in effect. The quantities of such imported wheat or wheat products shall not exceed the amount that may be imported under restrictions resulting from the imposition of measures under section 22 of the Agricultural Adjustment Act of 1933, reenacted by the Agricultural Marketing Agreement Act of 1937."

On page 115, line 14, redesignate paragraph (2) as subparagraph (2)(A). On page 115, after line 23, insert a new subparagraph (B) as follows:

"(B) A marketing certificate applicable to a quantity of wheat or wheat products issued to an importer shall authorize such importer to market, barter, or donate, without restriction, an amount of wheat or wheat products equal to the amount of such marketing certificate. Wheat or wheat products may not be marketed, bartered, or donated domestically by an importer without a marketing certificate."

On Page 116, strike line 21 and all that follows thereafter through line 24, and insert in lieu thereof the following:

"(5) Marketing certificates made available to a producer or an importer of wheat or wheat products shall not be transferable, except to the extent that such certificates accompany wheat or wheat products that are marketed, bartered, or donated under paragraph (2), and any such transfer that does not accompany wheat or wheat products shall render such certificates null and void."

On Page 120, line 4, redesignate paragraph (1) as subparagraph (1)(A). On Page 120, after line 13, insert a new subparagraph (B) as follows:

"(B) The Secretary may make available to importers marketing certificates for feed grains or feed grain products imported during the marketing year for any of the 1986 through 1990 crops of feed grains for which a national marketing certificate program is in effect. The quantities of such imported feed grains or feed grain products shall not exceed the amount that may be imported under restrictions resulting from the imposition of measures under section 22 of the Agricultural Adjustment Act of 1933, reenacted by the Agricultural Marketing Agreement Act of 1937."

On Page 120, line 14, redesignate paragraph (2) as subparagraph (2)(A). On page 120, after line 23, insert a new subparagraph (B) as follows:

"(B) A marketing certificate applicable to a quantity of feed grains or feed grain products issued to an importer shall authorize such importer to market, barter, or donate, without restriction, an amount of feed grains or feed grain products equal to the amount of such marketing certificate. Feed grains or feed grain products may not be marketed, bartered, or donated domestically by an importer without a marketing certificate."

On Page 121, strike line 21 and all that follows thereafter through line 24, and insert in lieu thereof the following:

"(5) Marketing certificates made available to a producer or an importer of feed grains or feed grain products shall not be transferable, except to the extent that such certificates accompany feed grains or feed grain

products that are marketed, bartered, or donated under paragraph (2), and any such transfer that does not accompany feed grains or feed grain products shall render such certificates null and void."

Mr. BEDELL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. BEDELL. Mr. Chairman, I yield to the chairman of the committee.

Mr. DE LA GARZA. I thank my colleague for yielding.

Mr. Chairman, this takes care of a jurisdictional conflict between our committee and the Committee on Ways and Means. After diligent effort between the staffs and the respective chairmen, the end result is this amendment which would satisfy the Committee on Ways and Means and would do no harm to our committee version, and I would urge the Members to accept it.

Mr. MADIGAN. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the gentleman from Illinois.

Mr. MADIGAN. I thank the gentleman for yielding.

Mr. Chairman, I understand this is a compromise that has been worked out with the Committee on Ways and Means that removes the objections, some if not all of the objections, that they had to the referendum proposal of the gentleman from Iowa in the bill.

Mr. BEDELL. That is correct.

Mr. MADIGAN. I am opposed to the referendum and intend to move to strike it, but I have no objection to this amemdment being adopted to it.

I thank the gentleman for yielding.

Mr. RUSSO. Mr. Chairman, will the gentleman from Iowa yield?

Mr. BEDELL. I yield to the gentleman from Illinois.

Mr. RUSSO. I thank the gentleman from Iowa.

Mr. Chairman, did the gentleman [Mr. BEDELL] discuss this amendment with the chairman of the Committee on Ways and Means?

Mr. BEDELL. I have discussed it with the staff, and they have discussed it.

Mr. RUSSO. And there was no objection?

Mr. BEDELL. This is what they want to see.

Mr. RUSSO. I thank the gentleman for yielding.

Mr. BEDELL. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. BEDELL].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MADIGAN

Mr. MADIGAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MADIGAN, title VA, strike out line 1, page 110 and all that follows thereafter through line 14, page 124.

Mr. MADIGAN. Mr. Chairman, this is the most controversial part of the farm bill that is before the Committee of the Whole this afternoon, because I just offered a motion to strike a provision that was adopted in the committee by a 22-to-18 vote with members of both parties voting on both sides of the issue.

The issue is whether or not the bill will contain a provision for a farmer referendum on the corn and wheat crops that would allow all corn farmers and all wheat farmers to vote in a referendum regardless of the size of their operation, regardless of whether or not they are working farmers or hobby farmers, and each would have the same vote.

□ 1805

In community property States, Mr. Chairman, the wife of the farmer would have a vote, as well, but in noncommunity property States, the wife of the farmer would not have a vote. In other words, a computer salesman with 40 acres of corn would have the same vote as the working farmer with 600 acres of corn, and the computer salesman, if he lived in a community property State, would have a wife that could vote in this referendum, but the full-time working farmer in another State not a community property State would have a wife that would not be able to vote in a referendum.

This is portrayed as being an imposition of a voluntary program as a result of this referendum, but in fact if the referendum were adopted, a farmer who chose not to participate in the program would not be able to sell the commodity that he produced in the United States of America. Thus, the voluntary nature, it seems to me, Mr. Chairman, is clearly a misnomer.

In addition, Mr. Chairman, a livestock producer, a pork producer, a poultry producer or a dairy farmer who is required to buy a substantial amount of their feed under the provisions of this referendum would be at a competitive disadvantage not only with those who can grow their own but also those who might be in the same position immediately across the border in Canada or Mexico who would be able under the terms of this referendum to buy United States grain in Mexico cheaper than a livestock grower or pork producer or a dairy farmer could buy U.S. grain in the United States.

Under the provisions of this referendum, exports would be subsidized, which would mean that U.S. grain would sell cheaper in Moscow than it would sell in Kansas City or in Chicago.

This referendum also would establish that in the growing year of 1986 there would be a 30-percent set-aside of all the wheat acres in the United States and a 20-percent set-aside of all the corn acres in the United States. But in the crop years 1987 through 1990, if the carryover crop exceeded certain levels, under the provisions of the referendum, if the carryover crop for corn exceeds 1.100 billion bushels, and for wheat exceed 800 million, then the Secretary of Agriculture in the subsequent crop years 1987 through 1990 can determine on his own what the set-aside requirement will be.

The U.S. Department of Agriculture tells us that if this referendum were adopted, in crop year 1987 the set-aside required for wheat would be 50 percent of the wheat growers' acres and 40 percent of the corn growers' acres.

The referendum has the effect of taking out of production some of the most fertile land in the United States in a very mandatory way and keeping in production some of the most fragile and highly erodible land in the United States, completely frustrating any attempt to get that highly erodible and fragile land out of production. It institutionalizes that situation and has as an effect an absolute transfer of land values from fertile land to less fertile land.

Let me very quickly recap what I have said. Who would vote in this referendum? A hobby farmer would have the same vote as a working farmer. A hobby farmer's wife in a community property State would also have a vote. A working farmer's wife in a noncommunity property State would not have a vote.

It is advertised as a voluntary program, but nonparticipants would not be able to sell their crops in the United States.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MADIGAN] has expired.

(By unanimous consent, Mr. MADIGAN was allowed to proceed for 1 additional minute.)

Mr. MADIGAN. There will be subsidies paid to effect the export of grain to pork producers, livestock feeders, poultry feeders, other dairy people outside the United States, but no subsidies for the same kinds of people inside the United States.

As I said earlier, because of the export subsidies and the absence of any domestic subsidy, U.S. grain will sell cheaper in the Soviet Union than it will sell in the grain markets of the United States.

Mr. WEAVER. Mr. Chairman, will the gentleman yield?

Mr. MADIGAN. I yield to the gentleman from Oregon.

Mr. WEAVER. Will the gentleman agree to an amendment striking the export subsidy?

Mr. MADIGAN. I would agree to any amendment that the proponents of this bill want to make, but I would say to the gentleman——

Mr. WEAVER. No, no, no. Will the gentleman agree to striking the export subsidy?

Mr. MADIGAN. If the gentleman wants to offer an amendment to do that, I will not object to it, but I will point out at that point how it makes the program as unworkable to not have it as it does to have it. You do not gain anything. It becomes just as bad one way as the other.

Mr. BEDELL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the hour is late. I know Members want to get away. I do not believe there is need to spend a lot of time debating this issue. I think people are well informed on the issue. I would point out that in this proposal it is exactly the same language as it is in the rest of the bill as far as the set-asides are concerned.

I would further point out that CBO estimates—and we said we have to go by CBO—are 20 percent set-aside.

As far as I am concerned, Mr. Chairman, we should proceed with a vote.

Mr. DASCHLE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, as does the gentleman from Iowa, I do not think we want to prolong the debate on this issue, but I think it is extremely important that the Members realize the importance of this amendment and what the author is trying to do.

It virtually guts what we have tried to do in the committee over the last 8 months. This will virtually assure that without the proper opportunity for farmers to vote, without the proper opportunity for farmers to obtain a good income, without the proper income for farmers themselves to ensure that they can be marketable in the export market, we severely dismantle a very important part of the bill.

So I would urge those who have been with the committee all along, I would urge those who really want to provide both marketability as well as good income and to do it at a time when we can come with below-the-budget level, that we do it now, and that we defeat the amendment offered by the gentleman from Illinois and that we ensure that we keep the bill intact and provide our goals, as we have so adroitly under the chairman's leadership.

I yield to the gentleman from Oklahoma [Mr. ENGLISH].

Mr. ENGLISH. I, too, do not want to take a great deal of the Committee's time. I would like to say, very briefly, though, that I rise in opposition to the amendment. I would simply like to say that we have two different philosophical approaches that are contained within the bill. Under the bill, we allow the farmers to make the decisions as to which direction they want to go. There is no time since the Great Depression that this has been so important to the American farmer as to what we are going to be doing within a farm bill. Let him decide the issue. Let him decide which way he wants to go philosophically. It is his fate that is going to be determined by that. With that, I would urge defeat of the amendment.

Mr. DASCHLE. Mr. Chairman, if we want to be competitive on the export market, then clearly the Bedell provision will allow us to do that. If we want to provide better income to our farmers, then clearly the Bedell provision will allows us to do that. If we want to provide an opportunity to come in below the budget, then clearly the Bedell provision will allow us to do that.

I yield to the gentleman from Colorado [Mr. BROWN].

Mr. BROWN of Colorado. How in the world by giving American livestock feeders dramatically higher cost of grains can you improve competitiveness? You destroy the competitiveness of American agriculture with this.

Mr. DASCHLE. I disagree with the gentleman from Colorado. I would say that the prices that we are offering in this amendment, in this part of the bill, I should say—it is not an amendment—are lower than what they were in the mid-1970's when export markets were increasing, when livestock prices were going up.

So clearly we are not even going back to where we were 10 years ago.

Mr. BROWN of Colorado. If the gentleman will yield, the point is that cattle feeders in Mexico and Canada will enjoy dramatically lower feeding costs than they will in the United States, and our 4.2 billion export market of red meat and meat byproducts will be decimated by this bill.

If you are for the provision, I understand it. But please do not hang your hat on exports because this does away with an entire export industry.

Mr. DASCHLE. I disagree very strongly. It does not at all. In fact, I think it provides us the opportunity to be more competitive in the export market. I think it provides us an opportunity not only to ensure that our grain producers are going to do well but also to ensure that our livestock producers can come and enjoy the wealth, as we hope our grain feed producers will under this provision. So there is no question that if we want to keep viability in agriculture as a comprehensive goal, not only in livestock, not only in dairy, not only in cotton and rice, but also in wheat and feed grains, then this provision is extremely important. I just hope that the House will see fit to defeat the Madigan amendment.

I yield to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. I thank the gentleman for yielding.

Mr. Chairman, I, too, rise to defend the Bedell provision to this farm bill because it is a provision which gives the farmers a chance to vote for better income. We are not going to get ourselves out of this farm crisis by giving farmers lower prices. This referendum plan gives the farmers a chance to vote for themselves to improve a price for their farm commodities.

Mr. DASCHLE. I thank the gentleman for his comments.

Mr. EMERSON. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Madigan amendment.

Mr. Chairman, I yield to the gentleman from Illinois [Mr. MADIGAN].

Mr. MADIGAN. I thank the gentleman for yielding.

Mr. Chairman, just very briefly I would like to respond to the gentleman from Iowa, who talked again about the estimates of the Congressional Budget Office, and say to the Members of the Committee of the Whole that I am reading from a letter addressed to me from the Congressional Budget Office under date of October 1, 1985, and that letter says:

> The market assumptions underlying the most recent baselines suggest that the acreage reductions of 40 percent in wheat and 25 percent in feed grains would be required.

Now, that is absolutely contrary to what the gentleman from Iowa just quoted the CBO as saying.

This is from a letter addressed to me from the CBO under date of October 1.

Mr. EMERSON. I thank the gentleman for his comments.

Mr. Chairman, I want to associate myself with the remarks of the gentleman from Illinois [Mr. MADIGAN] and say also that I fail to see how we can single out wheat and feed grains for a referendum when we just voted against a referendum to put the whole farm bill before the farmers to see whether our collective work product is acceptable or not.

Mr. STENHOLM. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong support of the Madigan amendment.

I wish there were a magic wand that we could wave and solve the income problems of agriculture that are so very real today. Unfortunately, there is no such wand. The Bedell provision theoretically would increase wheat farmers' income by $277 million in 1986, corn farmers' income by $1.5 billion, if you assume the same produc-

tion and no disruption of export or import markets.

While I strongly embrace and share in the goal of drafting farm legislation for a 1985 farm bill that will improve net farm income and return profitability to U.S. agriculture, I sincerely question the ability and probable direction generated by such a voluntary certificate approach. Do not misunderstand me. I can see that because demand is relatively inelastic, farm income would certainly increase for the first year, as I can see. Nobody argues that point. But before long the chickens will come home to roost.

□ 1820

Land and rental values would increase as bases would become capitalized. Witness tobacco and peanuts. The unemployment would spread throughout the rural economy because of a drastic production cutback. Foreign production would increase because of our higher domestic price levels. Furthermore, if we were to attempt to keep this mandatory program operating efficiently, I seriously doubt whether we could raise new import barriers quick enough to fight off the sudden influx of imported grain and products even with the Ways and Means acquiescence to the previous amendment.

I have serious questions regarding the workability and administration of such a program. The ASCS would be implaced in a position to be investigator, judge, and jury in order to police and monitor this program compliance. Witness that what we are about to do if we allow this to happen, an individual corn farmer or wheat farmer in the United States will be unable to continue to produce for the domestic market unless he has a base, as evidence by the language of the gentleman's bill in 1985. Because we have struck that part of the basis and yield provision that we worked so hard on in the committee for so long.

Also witness that in the gentleman's amendment, if you happen to be a farmer-feeder, by that, if you happen to be growing your own grain and feeding it to your own cattle, you can produce fence row to fence row; no restrictions. Get as large as you want to. But if you happen to be a farmer who has been selling his grain to his neighbor down the street or down the road, you will be unable to continue unless you participate in the set-aside to sell to that individual.

Because some commodities would be controlled and some uncontrolled, Government-mandated set asides would soar in my opinion. Many markets would be jeopardized. Now, proponents of this approach have repeatedly stated that the new export subsidy program known as BICEP or something like it, would keep U.S. wheat and corn competitive in world markets. That program has generated one sale in the last 4 months. So I ask those that believe that somehow we are going to be able to craft an export subsidy program in the real world, why have we been unable to make it work for the past 4 months?

I, too, have serious doubts whether this Congress would be willing to fund massive export subsidies amounting to an estimated $16 billion in 1986 and 1988 in order to fund the necessary exports to keep our production at the level that the gentleman's amendment provided. Even if approved, the international ramifications of export subsidies on this scale would undercut both Congress and the administration's argument for fair trade. Coupled with the fact that if such a subsidy became a major factor opening a trade war, which I think will happen, one of the first and largest sectors to suffer would be agriculture.

Some supporters of this legislation argue that farmers have a right to choose their own price support program, and I submit there is nothing wrong with that. The question is what we are voting for? If a vote needs to be taken, it should be our responsibility as drafters of public policy to develop and provide sound and equitable legislation through proper means instead of bowing to last-minute orchestrations.

The CHAIRMAN. The time of the gentleman from Texas [Mr. STENHOLM] has expired.

Mr. STENHOLM. Mr. Chairman, I ask unanimous consent that I be allowed to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. WEAVER. Mr. Chairman, reserving the right to object, I would say to my dear friend on the Agriculture Committee that we are trying to get to a vote. We have to rise at 6:30. I wonder if the gentleman could make it brief?

Mr. STENHOLM. I will do it in 1 minute.

Mr. WEAVER. Mr. Chairman, I withdraw my reservation of objection.

Mr. STENHOLM. If we are to change our agriculture policy as dramatically as this amendment suggests, we should allow our farmers to vote to do it. We should have taken more than 5 minutes in the Agriculture Committee in perfecting and debating and making this amendment workable. We should have taken more than 5 minutes.

Mr. Chairman, in closing, let me say that I think most of us know that mandatory controls are not the way to go. I think most of us know that mandatory controls are sort of like what Will Rogers said about Prohibition: "It may sound good, but it just will not work."

To those of us on the committee, witness what has happened in tobacco and peanut programs as we have had to make them more workable in the modern world before you ask to do to wheat and corn and feed grains what we will be asked to do should the motion to strike the Bedell amendment not carry.

Mr. MARLENEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think that the referendum process is one of the most devastating, absolutely the most devastating concept that has been offered to agricultural programs since I have been in Congress or since I can remember.

Would the gentleman from Illinois [Mr. MADIGAN], answer a question for me?

How much reduction did the gentleman say would be required to meet the requirements of the bill?

I yield to the gentleman for his response.

Mr. MADIGAN. I would say to the gentleman that in the 1986 crop year, the Bedell proposal calls for a 30-percent set-aside on wheat, a 20-percent set-aside on corn, and then as a provision that in the years 1987 to 1990 the Secretary will set the set-aside determined by what the carryover crop is. There are levels provided for in the referendum as to what triggers lower or higher set-asides.

The United States Department of Agriculture says in the second year, the set-aside on wheat would be 50 percent of the acres, and on corn it would be 40 percent of the acres.

Mr. MARLENEE. Fifty percent of our wheat would be set aside into a nonuse or it could not be put into corn or other crops?

Mr. MADIGAN. That is the statement provided to the committee by the U.S. Department of Agriculture.

Mr. MARLENEE. It seems to me that when this Nation takes one of its most productive industries and cuts its output by 50 percent, by 50 percent, we are dealing a devastating blow to our balance of payments in this country. Devastating.

If we cut our exports by what this bill purports to do, and we cut our production by 50 percent, think of the effect that this will have on the country, think of the effect that this will have on our local and rural communities. How many fewer tractors we will sell; how much less fertilizer; how many fewer businessmen and services will be offered in the small towns which are already empty up and down main street. We have a lot of empty buildings up and down these main streets in these small towns, and I would urge my colleagues to think about those long and hard before they vote for the amendment or this propo-

sition where we have a referendum that would further exacerbate the situation.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. MARLENEE. I yield to the gentleman.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, I wanted to raise a problem that I have discovered where we have had an amendment adopted here just a few minutes that was not eligible for consideration under the rule. It is my understanding that the Bedell amendment that was adopted to this section a few minutes ago had not been printed in the RECORD in a timely fashion, so under the rule, it was not eligible for consideration on the floor except by unanimous consent.

In fact, we did not have a unanimous-consent request for that amendement, so therefore it should not have been considered under the regular procedures. Given that situation, it seems to me that the House should not be acting upon an amendment at this point that is based upon perfecting language that was offered that was not in fact eligible for consideration on the House floor.

If I might, Mr. Chairman, I ask unanimous consent that the proceedings be vacated under the Bedell amendment adopted to this section was adopted.

□ 1830

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. WEAVER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Chair recognizes the gentleman from Montana [Mr. MARLENEE].

Mr. MARLENEE. Mr. Chairman, if I may continue, if the producers of this country have told the agriculture Representatives in Congress one thing, it has been that "We want a long-term program that we can depend on, one that we can make projections with." They do not want to come back with a referendum every year to see what kind of a program they are going to have the next year. They do not want to have the uncertainty.

They want to have a program they can rely on, one they can sit down with their banker with, so they can decide how much fertilizer they need in the next year, how much financing they need in the next 5 years, whether they are going to buy land, whether they are going to sell land, or, as a matter of fact, whether they are going to stay in business. A referendum process absolutely does not contribute to that kind of stability in the agricultural communities.

The CHAIRMAN. The time of the gentleman from Montana [Mr. MARLENEE] has expired.

(By unanimous consent, Mr. MARLENEE was allowed to proceed for 1 additional minute.)

Mr. MARLENEE. Mr. Chairman, finally, let us think what this kind of a proposition does. Let us think what these referendum propositions do to our reputation as a reliable supplier. It completely destroys our ability to build our image as a reliable supplier. We would be saying:

Yes, we will have this program unless we have a referendum, and then we will have something else, but if the farmers turn it down, then we will have some other kind of a program.

It completely destroys our ability to project the image of a reliable supplier.

Finally, the referendum process is not supported by the National Wheat Growers, by the Farm Bureau, or by responsible farm organizations. I would ask the Members to support the Madigan amendment and vote against the referendum process.

Mr. DE LA GARZA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. BARNES] having assumed the chair, Mr. BONIOR of Michigan, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2100) to extend and revise agricultural price support and related programs, to provide for agricultural export, resource conservation, farm credit, and agricultural research and related programs, to continue food assistance to low-income persons, to ensure consumers an abundance of food and fiber at reasonable prices, and for other purposes, had come to no resolution thereon.

## LEGISLATIVE PROGRAM

(Mr. LOTT asked and was given permission to address the House for 1 minute.)

Mr. LOTT. Mr. Speaker, I have taken this time for the purpose of inquiring as to the schedule for the balance of the day and for the week, and I am happy to yield to the distinguished majority whip because, as I understand it, there have been some changes made in the schedule for the balance of the day and for the remainder of the week.

Mr. FOLEY. Mr. Speaker, I thank the distinguished Republican whip for yielding.

Mr. Speaker, we intend to take up under suspension of the rules this evening a bill, H.R. 3453, providing for an extension of the Superfund for 45 days, and following the consideration of that suspension the House will have concluded its business for today.

Tomorrow, the House will meet at 11 o'clock to consider the appropriation legislation for Health and Human Services for fiscal year 1986, and following that we will resume consideration of the agriculture bill. We will rise at 6 o'clock tomorrow night.

We will then continue to consider the agriculture bill on Thursday, hoping to complete consideration of the bill by Thursday evening. I would caution Members that it is our intention to attempt to conclude the bill Thursday night, and there may be a late session on Thursday for that purpose.

If we conclude the agriculture bill on Thursday night, we do not plan to schedule business for Friday. In the event that we do not complete the agriculture bill on Thursday night, a Friday session can be anticipated.

Mr. LOTT. Mr. Speaker, if the whip would allow me to intervene at that point while he is looking down at his schedule, I think we should emphasize again to our Members that the intention is to bring the agriculture bill back up for consideration tomorrow after we complete the Labor-HHS appropriation bill, or, if we do not have any more time left tomorrow, the agriculture bill will be brought back up on Thursday, and the intention of the leadership is to complete consideration of the agriculture bill this week, is that correct? Whether it is Thursday night or Friday, the intention of the leadership is to complete the agriculture bill this week?

Mr. FOLEY. Yes, we intend to complete consideration of the agriculture bill Thursday night and, if necessary, to go late Thursday night for that purpose. If we do complete consideration of that bill on Thursday, as I have indicated, we do not intend to schedule business on Friday.

Mr. LOTT. Mr. Speaker, there were some other pieces of legislation on the schedule for this week, but they will be taken up at a later time, and I assume the Members will be notified of that; is that correct?

Mr. FOLEY. The gentleman is correct.

Mr. LOTT. Mr. Speaker, I thank the gentleman, and I yield back the balance of my time.

## GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on today's consideration of H.R. 2100.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

## SUPERFUND EXCISE TAX EXTENSION

Mr. ROSTENKOWSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3453) to amend the Internal Revenue Code of 1954 to extend the Superfund taxes for 45 days.

The Clerk read as follows:

H.R. 3453

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. 45-DAY EXTENSION OF SUPERFUND TAXES.

(a) IN GENERAL.—Subsection (d) of section 4611 of the Internal Revenue Code of 1954 (relating to termination of environmental taxes) is amended by striking out "September 30, 1985" and inserting in lieu thereof "November 14, 1985".

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (D) of section 223(c)(2) of the Hazardous Substance Response Revenue Act of 1980 is amended by striking out "September 30, 1985" and inserting in lieu thereof "November 14, 1985".

(2) Section 303 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by striking out "September 30, 1985" and inserting in lieu thereof "November 14, 1985".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on September 30, 1985.

The SPEAKER pro tempore. Is a second demanded?

Mr. ARCHER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 20 minutes and the gentleman from Texas [Mr. ARCHER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3453, the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3453 provides a short 45-day extension of the Superfund taxes the Congress enacted in 1980. The funding mechanism for the important Superfund Hazardous Waste Cleanup Program expired last night.

A short extension now is important so that the Congress can act in a deliberative manner to enact the 5-year reauthorization of Superfund without any loss of revenues to the trust fund during the debate. At a time when the EPA is severely reducing its cleanup efforts, we cannot afford to lose any money which we can collect.

Let me exphasize that this extension is only for 45 days so that the existing tax collecting mechanisms can continue in place. It is not a long-term extension into the next Congress. I would oppose a long politically motivated extension.

The Senate has already passed legislation to reauthorize the program and to expand the taxes associated with it. The House will soon consider similar legislation. It is probable that any legislation that is enacted will continue these original taxes at their preexisting rates or higher rates.

In the interest of avoiding an unwarranted disruption, I urge approval of H.R. 3453.

□ 1840

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support the bill, H.R. 3453.

I do so with some reluctance, however. I had hoped that our committee would be able to deal with Superfund legislation in a comprehensive way before today. Unfortunately, other committees of jurisdiction have not completed their work, and we had planned to take up the tax aspects of Superfund after the other committees had made their decisions on program changes.

In light of these timing problems, the termination of Superfund taxes at the end of the fiscal year—which was midnight—and difficulties with respect to getting our committee's deficit reduction bill to the floor, I think it would be wise to grant the additional 45 days in which to find workable resolutions.

I can assure my colleagues I will do everything I can to make certain that our committee does, indeed, deal promptly and comprehensively with Superfund legislation should the 45-day extension be approved by the Congress and signed by the President. If the bill before us today does not become law, I am frankly concerned that this might pave the way for both confusion and mischief. The Committee on Ways and Means, in seeking the extension, is not stalling; we want, instead, to buy some time to take responsible and expeditious action.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Speaker, I take this opportunity to commend the gentleman from Illinois for his leadership in the fight to renew the Superfund to clean up hazardous waste sites. As the gentleman is aware, my district includes the Butler Tunnel, an abandoned mine shaft, an illegal dump site in Pittston Township in Pennsylvania, which is one of only six toxic waste sites in the Nation to be declared clean by the EPA. Despite EPA's assurances in 1982 that the Butler Tunnel site was clean, last weekend's hurricane caused over 100,000 gallons of highly toxic waste to be discharged into the Susquehanna River, creating a 60-mile oil slick and threatening water quality all the way down the river to the Chesapeake Bay.

The EPA has already alerted communities as far south as Baltimore to be aware of the threat the discharge poses.

The Center for Disease Control in Atlanta urges area residents not to come in contact with the spill, which contains substances which can cause damage to the skin, respiratory tract, and gastrointestinal system problems.

Mr. Speaker, it is essential that this extension legislation be passed today so that projects like this, emergency projects caused during disaster times, can be undertaken with sufficient funding and sufficient activity by the EPA to act immediately.

We are talking here of the water quality that serves literally millions of Americans that has been put in jeopardy. I urge my colleagues in the House to support the leadership of the gentleman from Illinois by supporting this legislation.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the minority whip, the gentleman from Mississippi [Mr. LOTT].

Mr. LOTT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I really question the need for this 45-day extension. I think the Members would like very much to get action on Superfund legislation, and that is my point. I would like for us to keep the pressure on and get this legislation to the floor as soon as possible.

Now, I realize that we have got three different committees at least involved here and that they all have actions that they are working on; but I would like to get some understanding that we are not going to see this thing dragged out again and again. We do not need 45 days. I do not see why we need even 20 days.

I would like to ask the chairman of the Ways and Means Committee, do we have some understanding that this thing is going to move forward expeditiously and that it will be brought up to the floor for consideration sometime in this month?

I yield to the gentleman.

Mr. ROSTENKOWSKI. I think there was an agreement with the leadership this afternoon that the Committee on Public Works and the Committee on the Judiciary are going to act quickly on this legislation. I believe the Committee on Energy and

Commerce has already reported the legislation.

Immediately after the legislation is reported from the Public Works Committee and the Judiciary Committee, the Ways and Means Committee will consider the legislation. I am sure that the Committee on Ways and Means will be as expeditious as possible.

I am afraid that we on the Committee on Ways and Means want to see what the programming needs are before we fund them.

Mr. LOTT. Well, maybe I could address a question to members of the Public Works Committee, the chairman of the committee perhaps or the subcommittee could give us some information when the Committee on Public Works might report. Could we expect something within the next 10 days?

Mr. ROE. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I am glad to yield to the gentleman from New Jersey.

Mr. ROE. Mr. Speaker, Chairman HOWARD of the Public Works Committee has sent out a formal notice now from the Public Works Committee, with the ranking member, the gentleman from Kentucky [Mr. SNYDER] that we will schedule to mark up the bill on Wednesday of next week in the subcommittee and Thursday in the full committee; so 95 percent of the work of the Committee on Public Works is completed. We will mark up the bill, that is the direction, next week, both in the subcommittee and in the full committee and report out the bill.

Mr. LOTT. Mr. Speaker, I thank the gentleman.

I wonder if maybe the chairman of the Committee on Energy and Commerce that has already acted would express himself on it. That committee has already taken action and I worry that 45 days is quite a delay.

The SPEAKER pro tempore. The time of the gentleman from Mississippi [Mr. LOTT] has expired.

Mr. ARCHER. Mr. Speaker, I yield 1 additional minute to the gentleman from Mississippi.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I am happy to yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I thank the gentleman. I will try to respond briefly.

I was present in the meeting referred to. Our committee has already acted on this legislation. We are anxious to see it move.

My personal feeling is that 45 days are not needed, but I am willing to go along with it as long as it does not become an obstacle.

Mr. LOTT. Does the gentleman feel that he has a commitment that it will move quickly out of the Public Works Committee and through the Rules Committee and to the floor?

Mr. DINGELL. Well, the distinguished chairman of both the subcommittee and the full Committee on Public Works, the gentleman from New Jersey [Mr. HOWARD] and the gentleman from New Jersey [Mr. ROE] have indicated that it is their intention to have the bill out of their committees by a week from this next Friday.

The Judiciary Committee has indicated that they can meet approximately the same time limit and the Committee on Merchant Marine and Fisheries has acted this morning.

The Speaker has indicated that it is his intention to move this legislation as speedily as he knows how, so it is my hope that the matter can move speedily.

The gentleman from Illinois [Mr. ROSTENKOWSKI] of course, can speak for himself and for the Ways and means Committee and will have to do so, as I am not empowered to do so.

Mr. LOTT. Mr. Speaker, I appreciate the gentleman's remarks.

I would like to have some more specific commitment about when we can expect it in the Rules Committee and on the floor, but I recognize that we are dealing with several different committees and that is hard to do.

This is important legislation. I know the Members on both sides of the aisle have worked very hard on this in different committees and would like to see this legislation brought to the House for full consideration.

I would urge all the committees, all persons involved in the various committees, to get it to the Congress this month.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 5 minutes to the chairman of the Committee on Energy and Commerce, the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, I thank my distinguished friend, the gentleman from Illinois [Mr. ROSTENKOWSKI] for making this time available to me and I commend the gentleman for his comments made.

I share some of the concerns just raised by the distinguished minority whip, the gentleman from Mississippi [Mr. LOTT]. I do have reservation about taking this course, but I am willing to support the bill, in reliance on the pronouncements of the Speaker and others that this matter will go forward.

There is $130 million available at this time in the Superfund and there is not a desperate need for this extension. There is a sufficiency of moneys available according to the Administrator of the EPA that the process down there at EPA can go forward without any significant impairment during the time of the next 30 to 45 days.

Indeed, the spokesman for the New Jersey Department of Environmental Protection said yesterday that the gap would not hurt the program. He said as follows:

"We anticipate no interruptions. We already have $150 million appropriated and we are ready for it."

Similar comments have been made, as I mentioned, by the Administrator of the EPA.

The Governor of the State of Michigan has expressed particular concerns about the possibility of not enacting Superfund legislation during this year.

With this country having literally thousands, indeed, I have heard the figure of 100,000 Superfund sites which now are in need of cleanup, there is need for the most urgent speed, because this may perhaps be the largest single environmental and health problem now confronting the American people.

It should be noted that the Senate has passed a Superfund bill and for the House to delay further enactment of legislation of this kind would be indeed an action in which we could be charged with disregarding the public interest and in failing to carry forward on a matter of extreme and urgent importance.

As I mentioned, several committees having jurisdiction have met with the Speaker and all, including the Speaker, have agreed that the matter will move as expeditiously as possible. That is a judgment in which I concur and in reliance on those statements and in reliance on the urgent need to go forward with the least controversy, I am willing to support this legislation, even though I am aware that it is probably less than completely necessary.

I thank my dear friend, the gentleman from Illinois, for yielding to me.

Mr. ROSTENKOWSKI. Mr. Speaker, I have no further requests for time.

Mr. ARCHER. Mr. Speaker, I yield 8 minutes to the gentleman from New York [Mr. LENT].

Mr. LENT. Mr. Speaker, I thank the gentleman.

Mr. Speaker, it is with great reluctance that I rise to note my concern about a 45-day extension of the Superfund. I believe that the reauthorization of the Superfund is the most critical environmental program we will enact in this Congress. I am well aware that the taxing authority for Superfund ran out last night. I am concerned, however, that a 45-day extension will provide an easy out for those who for whatever reason are not able or are unwilling to face the important task of reauthorizing the Superfund now.

The Administrator of the Environmental Protection Agency put the cleanup program on hold in September due to uncertainty over funding.

We must not be lulled into thinking that a 45-day extension will allow the EPA to continue its full cleanup activities.

A simple extension such as we are considering here tonight will provide only one-third of the moneys the EPA was expecting to have for fiscal year 1986. This lack of money, coupled with uncertainties about when the full funding might be put in place, will continue to cripple the Superfund cleanup program.

So rather than talk about a 45-day extension, we ought to be considering how much time is actually needed for us to reauthorize Superfund.

I know that the other body has sent us a reauthorization bill for our consideration in a timely manner. We heard from the chairman of the Energy and Commerce Committee that H.R. 2817 was reported 2 months ago. The Merchant Marine Committee to which this bill was referred reported H.R. 2817 today with only one negative vote. The Administrative Law Subcommittee of the Judiciary Committee marked up H.R. 2817 on September 11, and we hear that the full committee will mark up the bill next Tuesday. We learn from the press reports that the Ways and Means Committee is ready to mark up the bill, and the chairman of that committee has been quoted as saying it is simply a 1-day job. The chairman of the Committee on Public Works will report its Superfund bill to the House some time next week.

So it would seem to me all this being said that if all of the committees with jurisdiction are able to meet these commitments on this important subject, a subject considered at length in the last Congress, we could have Superfund reauthorized in a much shorter term than 45 days.

I would hope that the gentleman from Illinois [Mr. ROSTENKOWSKI], the sponsor of this legislation, might consider amending this legislation to extend the funding for 15 or perhaps 18 days so that we will not mask the urgency of the need to reauthorize, expand, and improve the Superfund Program.

Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. ECKERT].

Mr. ECKERT of New York. Mr. Speaker, I thank my colleague.

Mr. Speaker, I also rise in opposition to the 45-day extension of Superfund. Such an extension will serve only to mask the critical problem facing our country, the cleanup of our hazardous waste dump sites. While a 45-day fund extension may have some surface appeal, it does not move the cleanup program forward.

As my colleague from New York mentioned, in September the Administrator of the EPA stopped work at 57 sites due to the uncertainty of the reauthorization of Superfund. The work that would have been undertaken in September was based on the expectation of an increase of funding by threefold. A simple 45-day extension will leave the funding two-thirds short.

Therefore, this 45-day extension will not enable additional cleanup to go forward in the proper manner.

I note as others have that the other body has concluded its work on this important legislation. I am embarrassed to tell my colleagues back home that I have not yet had the opportunity to vote on Superfund on the floor of this House despite the fact that the committee on which I serve, the Energy and Commerce Committee, produced a carefully crafted bipartisan compromise measure by an overwhelming margin of 31 to 10.

We must spend our time working on permanent solutions to the Superfund, and I do not think we can tolerate any further delay.

I would hope that the commitments implied here tonight are honored and that we do not go beyond that 45 days, because even that is far too long.

Mr. ARCHER. Mr. Speaker, I have no further requests for time, except that I would like to yield myself about 15 seconds to say in colloquy with the gentleman from New York that it certainly should not be necessary that any further extension be taken, that we do complete our work in 45 days. I personally would not favor any additional extension and I would hope that the chairman of our committee would agree with that.

Mr. ROSTENKOWSKI. Mr. Speaker, will the gentleman yield?

Mr. ARCHER. I yield to the gentleman from Illinois.

Mr. ROSTENKOWSKI. Mr. Speaker, I certainly expect immediately after the Committee on Ways and Means receives documents from the other various committees we will work on it and get it done hopefully within a week.

**Mr. MARKEY. Mr. Speaker, I rise at this time to voice my support of this temporary extension of current Superfund legislation. Congress needs sufficient time to pass a tough and comprehensive Superfund bill. At this time I want to reiterate my objections to the Superfund legislation passed by the Energy and Commerce Committee. I feel this extension will allow me and my colleagues on other committees to pass a comprehensive Superfund bill. I have always been a strong supporter of Superfund, but we must make every effort to work to ensure that the bill that we finally pass is strong and effective and one that achieves the goal of cleaning up the worst hazardous waste sites on a thorough and expedited schedule.**

Mr. ARCHER. Mr. Speaker, I yield back the balance of my time.

Mr. ROSTENKOWSKI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

**Mr. GALLO. Mr. Speaker, Congress has again forced itself into action. Faced with a deadline for reauthorizing Superfund, the Congress dragged its feet for 9 full months and has acted now to merely extend the Superfund for 45 days.**

**As a member of the Committee on Public Works and Transportation, one of the committee which has jurisdiction over the authorization of the Superfund, I am personally outraged by the necessity of this action. From the very first day of the 99th Congress, every Member in this body knew that we had a job to do. Every Member knew just how big that job was, and just how quickly we had to do it. In spite of this knowledge, the clock ran out on Superfund and, typically, we found ourselves in a prosition to have to take a Band-Aid approach to yet one more problem.**

**It almost seems like the bigger our problems are, the more willing this body is to use a Band-Aid approach to solve the problem. The debt ceiling, the budget, Superfund, these are all issues that deserve better solutions thant his Congress has been willing to deliver.**

**I know that many of my colleagues have worked very hard for timely Superfund reauthorization. I have worked with members of my own committee and members of many of the other committees with jurisdiction over Superfund to see that we got our job done on time. I have joined with my own committee chairman and subcommittee chairman, and with the ranking members of the Public Works and Transportation Committee and the Subcommittee on Water Resources, in a complete commitment to accomplish a thorough and adequate reauthorization for the Superfund.**

**I am not sure that the commitment that we have made is pervasive throughout Congress, and I am very concerned that our temporary Band-Aid extension of Superfund might have taken the pressure off of those Members who do not share our commitment to protecting our environment.**

**In spite of the lack of progress that we, as a body, have made in the last 9 months, 45 days is more than enough time to accomplish an adequate reauthorization of the most important environmental program in our country, provided that we all dedicate ourselves to getting the job done. Without this dedication, there is not enough time.**

**Today I would like to take this opportunity to call upon all of the Members of this body, from all the States and from both parties to join in our commitment to do this job. To reauthorize Superfund, to do it right, and to do it now. Any further Band-Aid approaches are just not acceptable.**

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] that the House suspend the rules and pass the bill, H.R. 3453.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## PROHIBITION OF THE IMPORTATION OF THE SOUTH AFRICAN KRUGERRAND—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-114)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and the Committee on Ways and Means and ordered to be printed.

(For message, see proceedings of the Senate of today, Tuesday, October 1, 1985.)

## EXTENDING GOVERNING INTERNATIONAL FISHERY AGREEMENT BETWEEN THE UNITED STATES AND THE UNION OF SOVIET SOCIALIST REPUBLICS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-113)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Merchant Marine and Fisheries and ordered to be printed.

(For message, see proceedings of the Senate of today, Tuesday, October 1, 1985.)

□ 1900

## RETIREMENT OF HON. PARREN MITCHELL

(Mr. BARNES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARNES. Mr. Speaker, it is with both sadness and a sense of respect for his decision that I note the decision of our distinguished colleague and friend from my own State of Maryland, the great Congressman from Baltimore City, PARREN MITCHELL, to retire at the end of this term.

When PARREN MITCHELL leaves this Chamber after his last day as a Member of the House of Representatives, the Congress of the United States is going to lose one of its great champions for the dignity of the downtrodden, one of the great champions for civil liberties, for civil rights, and really, I think all of my colleagues would agree, a conscience that has spoken so beautifully and so eloquently over so many years here in the House of Representatives.

Mr. Speaker, we will lose one of the great Members of the U.S. Congress with PARREN MITCHELL's retirement. The Maryland delegation will lose its distinguished dean, and I will lose the daily occasion to work with a great friend and colleague, and it is with sadness that I note his decision to leave the House of Representatives.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. BARNES. I am happy to yield to the gentleman from Pennsylvania.

Mr. GEKAS. I thank the gentleman for yielding.

Mr. Speaker, I will take only a few seconds for the purpose of associating myself with the remarks of the gentleman from Maryland.

Although I do not come from Maryland, I, too, will miss the eloquence of PARREN MITCHELL.

Mr. BARNES. Mr. Speaker, one of our greatest colleagues has decided to retire, which I noted, as I say, with sadness.

## HUMANITARIAN ASSISTANCE FOR UNITA FORCES IN ANGOLA

(Mr. PEPPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEPPER. Mr. Speaker, today I'd like to bring to the attention of my colleagues the situation in Communist-controlled Angola—where a group of freedom fighters known as the National Union for the Total Independence of Angola [UNITA] are fighting to liberate the people of their country from the despotical grip of a government which was installed and is controlled by Cuban military forces under the direction of the Soviet Union—and a bill I am introducing today that would provide for a measure of humanitarian assistance to the UNITA forces.

Mr. Speaker, the Members of the House are well aware of the deprivation of freedom being imposed on the people of Angola by the Soviet-backed Cubans. In 1976, Congress took the step of enacting the so-called Clark amendment which prohibited the use of American foreign aid to assist any military or paramilitary forces operating in Angola. Since that ill-conceived action was taken, over 200,000 Cuban military personnel have been sent to that nation to maintain forcefully in power the illegitimate government which they installed in 1975.

Mr. Speaker, my colleagues demonstrated their growing awareness that freedom is being cynically and barbarically denied to the people of Angola when they voted on July 10 of this year—by a 51-vote margin—to repeal the Clark amendment. Now, for the first time in 10 years, the United States is free to take a stand in favor of the principle tenets which we have always held to be the right of every man and woman—basic liberties which for too long have been denied to the people of Angola.

The tradition of the United States of helping people all over the world who are oppressed is an honored tradition steeped in the best intentions of a nation which shed the yoke of tyranny and has preserved its right to choose freedom for over 200 years. When we turned our eyes away from the cynical deprivation of freedom inflicted on the people of Angola in 1975—a condition which persists to this very day—we abandoned our own links with the never-ending struggle for liberty. The greatest freedom-loving nation in the world left the Communist forces free and unfettered adventuristically to extend their influence among the peoples of southern Africa. Nevertheless, the forces of UNITA maintained the fight on behalf of the Angolan people, and continue to resist the Cuban occupation against odds made great by an unwavering commitment on the part of the Soviet Union to take southern Africa for its own.

Having repealed the Clark amendment, the next logical—and essential—step for this Congress to take is to send the message to the freedom fighters of the UNITA movement that the United States is deeply sympathetic and willing to help in the effort to restore justice and democracy in Angola by extending to them humanitarian aid: That the people of the greatest, strongest, and most enduring freedom-loving nation in the world have not let the oppression imposed by the advocates of world communism go unnoticed. We must join our voices as well as our resources with those of the people of the world who recognize that Soviet hegemony in vulnerable nations is, in fact, the greatest threat to peace which the world faces today.

The bill I am introducing would pave the way for the Congress to make available the humanitarian support which the fighters for freedom in Angola so desperately need today by authorizing $27 million for that purpose. Its passage would permit the United States to make available to the UNITA forces the food, clothing, and medicine that they will need to carry on their fight. Perhaps just as importantly, the assistance which we make available will provide a boost to the morale of a force that is faced with a fight against all the resources and all of the will to conquer which are available to the Soviets and their Cuban benefactors.

I would point out to my colleagues that the bill I introduce today would not allow the use of funds authorized for the provision of weapons, ammunition, and other equipment, vehicles, or materiel which could be used to inflict serious bodily harm or death. The bill

would also prohibit the administration of the assistance by either the Central Intelligence Agency or the Department of Defense.

The language I have employed in the bill submitted to the House today is substantially similar to the provisions of the McDade amendment to the supplemental appropriations bill for fiscal year 1985 which the House agreed to on June 12 of this year. That amendment made $27 million available in humanitarian aid to the Contras fighting for freedom in Nicaragua—an amount which will allow them to win the fight against famine and illness so that they can carry on the fight against tyranny.

Now that the Clark amendment has been repealed, we have the opportunity to make the same commitment to the people of Angola—$27 million for humanitarian aid so that the advocates of democracy in southern Africa may not be defeated by want for basic needs.

Mr. Speaker, it is essential that we extend the commitment shown for democracy in Nicaragua by adopting the McDade amendment, and in Angola by repealing the Clark amendment, by taking positive action to assist Angolan freedom fighters. The bill I present to the House would authorize the enactment of appropriations so that such assistance may become available during the fiscal year which began today.

I urge my colleagues to consider carefully the dire conditions in Angola today, to recognize the deprivations of freedom which have been imposed by the presence of over 200,000 Cuban troops over the past 10 years, to recognize that that presence represents the continuing strategy of Soviet communism to extend its influence in nations which do not have adequate resources with which to resist their awesome military might, and to at last make a statement to the world—and especially to the people of Angola—that the greatest nation in the world does not intend to stand passively by while Cuba and the Soviet Union use force to extend their sphere of influence in the world.

## TRIBUTE TO HON. MARGARET HECKLER, SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, I rise to pay great tribute to our distinguished former colleague, the Honorable Margaret M. Heckler, who earlier today announced her resignation as Secretary of Health and Human Services under apparent pressure from White House staff.

Although Mrs. Heckler has agreed to serve as Ambassador to Ireland, a post in which I am sure she will serve with distinction, it is regrettable that this tireless public servant was forced to make her decision as the result of harsh and unjustified criticism voiced by unnamed administration officials.

While some of us may have disagreed with Mrs. Heckler on occasion, I think all of us can appreciate the enormous challenge of managing a department as large as Health and Human Services, a department with an annual budget in excess of $325 billion and one which directly affects the lives of all Americans.

The same faceless officials who criticized Mrs. Heckler's management style also failed to point out that more than a half dozen top posts at HHS remain unfilled because the White House was, in the words of Larry Speakes, "looking for the right people."

What a bum rap!

Despite the well-documented cases of waste, fraud, and abuse in Pentagon procurement programs, I find it curious that we have not heard any calls from White House staffers for the resignation of Secretary of Defense Caspar Weinberger.

In her capacity as Secretary of HHS, Mrs. Heckler often found herself in the awkward position of arguing for more Federal spending as a member of an administration intent on cutting Federal spending, regardless of the human and social costs.

Mrs. Heckler fought officials at OMB and the White House in her farsighted advocacy for increased funding for research into national health problems such as Alzheimer's disease and the AIDS epidemic.

One has to wonder if this was a factor in what is widely perceived as her ouster from the Cabinet?

One has to wonder if a male member of the Cabinet would have been subjected to a similar campaign of discredit and innuendo by anonymous White House bureaucrats?

I, for one, wish her the very best of luck in her new post.

## TIME FOR FARMERS TO VOTE ON AMERICAN FARM POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. SLATTERY] is recognized for 5 minutes.

Mr. SLATTERY. Mr. Speaker, it is time for farmers to vote on the direction of American farm policy.

Farmers have debated the pros and cons of mandatory versus voluntary farm programs for more than 30 years.

I believe farmers have a fundamental right to decide what direction they want to go—providing the choices are within the budget limitations when farmers make this basic choice it will hopefully end this debate for years to come.

I wonder why the Secretary of Agriculture says the President will veto any farm bill that contains a referendum?

Could it be that he doesn't want a good debate in farm country about agricultural policy because this debate will clearly reveal how detrimental this administration's fiscal policy has been to agriculture.

Mr. Speaker, during this debate, farmers will see clearly that reducing the deficit is crucial to agriculture.

During this debate, farmers will see clearly that protectionism is self-destructive.

Farmers know the effect of an overvalued dollar in limiting exports. They know what record high interest rates mean and they know what roller-coaster acreage reduction programs mean.

I will support the Bedell provisions in order to provide them that opportunity.

It is within the limits of the budget.

Some may fear a debate in farm country.

I do not.

I welcome it and I encourage my colleagues to support the Bedell provisions of the farm bill.

## TAX TREATMENT OF DIVORCING SPOUSES IN COMMUNITY PROPERTY STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Louisiana [Mrs. BOGGS] is recognized for 5 minutes.

**Mrs. BOGGS. Mr. Speaker, I am introducing legislation to provide for the equitable tax treatment of individuals subject to a divorce decree which retroactively terminates their marriage community. This legislation is the result of an inequity that was brought to my attention by an attorney in Louisiana.**

**In a typical divorce, the husband continues to be employed, earning an income; the wife either is not employed or is making less money than the husband. At present, the wife continues to be personally liable for the income tax due on one-half of her husband's earnings during the divorce or separation proceedings despite the fact that she does not receive a portion of such income.**

**The Internal Revenue Service does not recognize the termination of the marriage community of divorcing spouses in Louisiana and some other States until a final judgment of separation or divorce is rendered. In Revenue Ruling 74-393, the Service stated that a Louisiana judgment of separation or divorce, which dissolves the community retroactively to the date of filing of the petition for divorce or separation under State law, has no retroactive effect on the existence of the community for Federal income tax purposes. This**

**causes a great inequity to the lower income generating spouse and a windfall to the high-income spouse.**

**I do not know how widespread this particular problem might be. Since it does affect the tax liability of divorcing spouses in Louisiana, I believe it merits review by the Committee on Ways and Means.**

**Mr. Speaker, the text of H.R. 3458 follows:**

H.R. 3458

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) section 66 of the Internal Revenue Code of 1954 (relating to treatment of community income) is amended by adding at the end thereof the following new subsection:

"(e) TREATMENT OF RETROACTIVE TERMINATION OF COMMUNITY.—Under regulations prescribed by the Secretary, in the case of an individual legally separated from his spouse under a decree of divorce or separate maintenance which terminates the community (under applicable community property laws) as of a date earlier than the date on which the decree is granted, any item of income earned by the individual on or after the date on which the community was terminated (under applicable community property laws) shall be included in the gross income of the individual (and not in the gross income of the spouse), if the spouse—

"(1) did not receive an interest in the item of income under the decree; and

"(2) did not exercise control over the item of income earned by the individual on or after the date on which the community was terminated (under applicable community property laws).

This subsection does not apply to any amount which is includible in the income of a spouse under section 71 (relating to alimony and separate maintenance payments)."

(b) The amendment made by subsection (a) shall apply with respect to communities terminated by a decree of divorce or separate maintenance granted on or after the date of the enactment of this Act.

## PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KLECZKA] is recognized for 5 minutes.

**Mr. KLECZKA. Mr. Speaker, on September 26, 1985, I was unavoidably detained and missed rollcall vote No. 288 on Senate Joint Resolution 27.**

**Had I been present, I would have concurred with the resolution.**

## LET TRUE INDEPENDENCE REIGN IN CYPRUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. FEIGHAN] is recognized for 60 minutes.

GENERAL LEAVE

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. FEIGHAN. Mr. Speaker, today is the anniversary making a quarter of a century of independence for the Republic of Cyprus. On such a day, the people of that nation should be able to reflect on the progress of their freedom, the hope of their independence, and the growth of their culture as they make firm their grasp on the promise of the Free World. I called this special order because that celebration is denied our friends in the Republic of Cyprus, and will be denied them as long as their land remains divided by bitter differences perpetuated by military forces.

The rift between Greek and Turkish Cypriots was formalized by the violent invasion of Turkish troops over a decade ago; 200,000 Greek Cypriots were forced from their homes. Today, Cyprus remains divided, the island in turmoil. More than 30,000 Turkish troops continue to occupy the island. Tens of thousands of Turkish colonists were lured from the mainland to settle the occupied territory. And the Government in Ankara continues to subsidize half of the Turkish Cypriot budget.

These divisive actions have been taken despite an increasingly generous program of United States foreign aid to Turkey. Since our aid embargo was lifted in 1978, we have sent nearly $4 billion to Turkey, making it our third largest foreign aid recipient. All of this assistance has been provided under the clearly expressed condition that Turkey cooperate fully in the efforts to bring about a solution on Cyprus.

Yet cooperation has hardly been forthcoming. In 1983, Turkey alone supported the declaration of an independent Turkish federated state on Cyprus. As a direct result of this action and the continued illegal presence of Turkish troops on the island, the Congress last year cut military assistance to Turkey and conditioned $215 million in military grant aid upon Turkey's good faith progress in intercommunal talks on the reunification of Cyprus, particularly with respect to the treatment of the city of Famagusta, a major urban center which is held by the occupying Turkish troops.

This year, hope has been raised by the efforts of U.N. Secretary General Javier Perez de Cuellar. After long years of frustration over the absence of progress on negotiations, the first summit meeting last January between President Kyprianou and Rauf Denktash was a significant and welcome development, providing the first real hope for peace in the divided nation.

Congress has fortified this hope this year by authorizing again a special $250 million fund for Cyprus contingent on a successfully negotiated settlement. The peace and reconstruction fund, it was hoped, will help focus constructive energy on ways of encouraging the parties on Cyprus to work out their differences, and remove the obstacles to peace.

Indeed, such a settlement has taken another step forward. After an inconclusive first meeting, President Kyprianou, with the support of Javier Perez de Cuellar, has drafted and signed a fresh agreement. On reporting this development to Congress, President Reagan quotes Mr. Perez de Cuellar saying, "provided both sides manifest the necessary good will and cooperation, an agreement can be reached without further delay." The President's statement follows:

TEXT OF A LETTER FROM THE PRESIDENT TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE CHAIRMAN OF THE SENATE FOREIGN RELATIONS COMMITTEE, SEPTEMBER 3, 1985

DEAR MR. SPEAKER: In accordance with Public Law 95-384, I am submitting herewith a bimonthly report on progress toward a negotiated settlement of the Cyprus question.

Since my previous report, United Nations Secretary General Perez de Cuellar has continued his efforts, begun last fall, to obtain the two Cypriot communities' acceptance of an agreement containing the elements of a comprehensive Cyprus settlement. He endeavored to overcome the difficulties that had arisen during the January 1985 summit meeting by incorporating components of the documentation into a consolidated draft agreement. His expressed intention was to bring greater clarity to its various elements and to devise procedural arrangements for follow-up action, while preserving the substance of the documentation. The Secretary General reported to the Security Council in June, a copy of which is attached, that the Greek Cypriot side had replied affirmatively to his revised documentation and that he was awaiting the Turkish Cypriot response to his efforts. The Secretary General added that, "provided both sides manifest the necessary goodwill and co-operation, an agreement can be reached without further delay."

The Turkish Cypriots postponed replying to the Secretary General while they proceeded with a constitutional referendum on May 5, a presidential election on June 9, and parliamentary elections on June 23. The Turkish Cypriots stated that the referendum and elections would not preclude their participation in a federal Cypriot state. We have repeatedly registered with both communities our conviction that actions which might impede the Secretary General's efforts to negotiate an agreement should be avoided and have reiterated our policy of not recognizing a separate Turkish Cypriot "state."

Since my last report to you, American officials in Cyprus have met regularly with leaders of both Cypriot communities. Department of State Special Cyprus Coordinator Richard Haass visited Cyprus, Greece, and Turkey in July. He discussed the Cyprus issue with the two Cypriot parties and the Governments of Greece and Turkey and expressed our support for the Secretary General's initiative. We continue to urge flexibility by all parties and are encouraged that they continue to support a negotiated

settlement under the Secretary General's good offices mandate.

Sincerely,

RONALD REAGAN.

But Mr. Speaker, we have not seen the goodwill of Mr. Denktash. The Turkish Cypriots delayed responding to this agreement while they held a presidential election on June 9 of this year, followed by parliamentary elections later that month. Such an approach served only to further divide the two sides, and provided an inauspicious example of the sort of cooperation to come. In August, Mr. Denktash rejected the new document, declaring it impossible to accept the withdrawal of Turkish troops, and stating that Turkish Cypriots would not live in an integrated society with their Greek counterparts.

Cypriots cannot wait any longer for the freedom that they won 25 years ago, and neither should they have to. So much is at stake: The strength of NATO's southern flank is undermined by the continued tensions between Greece and Turkey over Cyprus; the United States continues to fund substantially a country that maintains an illegal occupying force on allied land. Finally, of course, is the right of Cyprus to govern itself, free from external threat.

Cyprus has been a good friend of the United States. Its people gave us crucial assistance in treating our wounded from the catastrophic bombing of our Marine barracks in Lebanon. President Kyprianou has led a tireless struggle against drug trafficking which is rife in that region of the world. Most recently, in standing on principle in support of a settlement, he repudiated the Communist Party on Cyprus—a brave move that could cost him dearly. President Kyprianou has earned our friendship, and our support. We can do more to demonstrate that commitment.

President Reagan met with Turkish Prime Minister Ozal in April, but could not make time in his schedule to meet with President Kyprianou. Such an invitation would clearly demonstrate the willingness of the United States to be a facilitator in the continuing negotiations to bring peace and unity back to Cyprus.

In Congress, unfortunate tensions with the leadership in Greece have sparked a reluctance to deal strongly with Turkey on the issue of Cyprus. The United States should never be loath to ask cooperation from a country receiving substantial military and economic aid, and we must continue to make clear to the Government of Turkey that its support of the occupation of Cyprus, and its refusal to withdraw its troops is unacceptable. When an American aid recipient uses the aid to force itself upon a neighbor, we are inescapably involved.

□ 1910

Mr. LEWIS of California. Mr. Speaker, will my colleague yield?

Mr. FEIGHAN. I am happy to yield to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I thank my colleague for yielding. Let me in the beginning express my deep appreciation to my colleague for making the effort to hold this special order today on the 25th anniversary of the independence of Cyprus.

Shortly after I was elected to Congress, serving in January 1969, I had the opportunity to visit Cyprus, at the behest of people from my own community who are very interested in this very difficult problem. It is clear upon visiting Cyprus that if there is an illustration of the contrast between freedom and authoritarian systems, one can see it in that small island. The industry, the spirit, the attitude, indeed the warmth of the free Cypriot people pervades that atmosphere. Simply cross the line and you see the stark contrast of authoritarianism at work.

It seems to me that it is important to the Congress to focus itself once again on this critical problem. It is clear that early on, as the invasion had taken place, that the Congress did react with our embargo. We expressed our deep concern and our opposition to the Turkish action.

Since that time, however, our administrations have been less than straightforward in terms of what our policy in a moral sense ought to be.

This question, as my colleague knows, is not a partisan question. It is perhaps a reflection of our State Department's inability to act with consistency and with a sort of thinking that is long range and reflects a commitment to freedom.

It is very, very important that those of us who care about those fundamental principles, continue from time to time, when it is appropriate, to raise this flag, to express our concern. The gentleman doing this special order on this anniversary date is most important. I want to express my appreciation once again.

**Today, October 1, the Republic of Cyprus is celebrating its 25th anniversary of independence. Unfortunately, during this day of celebration, we realize that the people of Cyprus are not completely independent. Their country remains divided and occupied by more than 30,000 Turkish troops.**

**Out special thanks and appreciation goes to U.N. Secretary General Perez de Cuellar for his willingness and efforts to arrange the January summit meetings between Cyprus President Kyprianou and Mr. Rauf Denktash. Prior to this summit, expectation levels were high. It seems that for the first time since the 1974 invasion of Turkish troops there were expressions of goodwill. While the outcome of these meetings has not been positive, I remain optimistic. The negotiations must continue to bring peace to our friends in Cyprus.**

**For this reason, I am participating in this special order today. We must encourage the talks between the Greek and Turkish Cypriot leaders. We must continue to strive for peace not only in Cyprus, but also for other countries that do not know the freedoms we enjoy.**

Mr. FEIGHAN. Mr. Speaker, I appreciate very much the comments of my colleague from California and salute him for the very active involvement that he has taken in this critical issue, particularly for taking the time and the energy to visit the island and see first hand the kind of policy that we could pursue in this country that would help to faciliate a solution to the conflict.

Mr. LEVINE of California. Mr. Speaker, will the gentleman yield to another gentleman from California?

Mr. FEIGHAN. I am happy to yield to the genleman from California.

Mr. LEVINE of California. Mr. Speaker, I am pleased to join my colleagues on this occasion to celebrate the 25th anniversary of the independence of Cyprus. I commend my colleague from Ohio [Mr. FEIGHAN] for scheduling this special order.

Mr. Speaker, as we well know, Cyprus' independence has a sad and turbulent history. It has been 11 years since Turkey invaded, occupied, and divided Cyprus. The Turkish invasion established a Turkish Cypriot sector in the northern part of the island and today there are some 30,000 Turkish soldiers there.

Many efforts have been made to bring about a settlement of the conflict on Cyprus. Most recently, the U.N. Secretary General's initiative was looked upon as the most promising means to bring about peace. Unfortunately, Turkish Cypriot leader Rauf Denktash rejected the Secretary General's plan. Significantly, he specifically rejected the condition for withdrawal of Turkish troops from the island, the threshold requirement for a solution to the Cyprus problem. He also indicated an unwillingness to make any concessions to achieve peace and stated that Turkish Cypriots refused to live in a mixed society with Greek Cypriots. The situation is now at an impasse, and we await further efforts to resolve the problems.

As a member of the Foreign Affairs Subcommittee on Europe and the Middle East, I have had the opportunity to sit through many hearings and to talk to many officials about the problems in Cyprus. Many of us opposed Mr. Denktash's unilateral declaration of independence because it is an obstacle to the completion of negotiations to reunify the island. Congress has tried to find ways to encourage the parties to negotiate an end to their conflict. Unfortunately, our efforts have not met with success, and in the final analysis it is up to the Greek and

Turkish Cypriots to find the will to reach solutions to the conflicts.

So it is with mixed feelings that I participate in this special order—mixed because I am happy to share in the celebration of Cyprus' independence, but sad that the country must exist divided and in conflict. Not until Cyprus is reunited will its people be truly free to enjoy the fruits of their independence. I want to take this opportunity to encourage both sides to redouble their efforts to reach an agreement. The people of Cyprus, and indeed the world, would welcome this happy result.

Mr. FEIGHAN. I thank my colleague from California for his active work in trying to find a solution to the conflict on Cyprus, and his very active work in support of strengthening our relationship with the country of Greece as well.

Mr. ANDERSON. Mr. Speaker, will the gentleman yield?

Mr. FEIGHAN. I am happy to yield to my colleague from California.

Mr. ANDERSON. Mr. Speaker, I would like to take this opportunity to commend the distinguished gentleman from Ohio [Mr. FEIGHAN] for his initiative in organizing this special order on Cyprus. This is especially pertinent, given the recent rejection by Turkish Cypriot leader Rauf Denktash, of the U.N. Secretary General's Cyprus initiative, agreed to in March by Cyprus President Spyros Kyprianou, the Greek Cypriot leader.

This has in effect—let us hope temporarily—dashed the hopes of the citizens of Cyprus that they might see an end to the 11-year occupation and division of their homeland. Since 1974, when 200,000 Greek Cypriots were driven from their home by invading Turkish soldiers, the tiny island has remained partitioned and occupied in part by the Turkish soldiers, as well as Turkish colonists who were lured from the mainland by the promise of land that had belonged to Greek Cypriots.

It is true that Turkey is an important United States ally, but we are dealing here with some fundamental issues of international law and morality. Turkey invaded and continues to occupy the territory of a formerly sovereign nation, and the Turkish Republic of Northern Cyprus is an illegal declaration of statehood, recognized by Turkey alone. Efforts by the United States urging Turkey to end its obstinacy and reach a solution have been to no avail, despite the generous amounts of aid granted to that country yearly. This special order serves as a vehicle in expressing the growing impatience among Members of Congress and the Nation at large over this process. American aid, in addition to being of strategic help to this nation, is supposed to reflect American values of justice and fair play. The Turks appear bent on a permanent division of the island of Cyprus, and the issue continues to fester.

I hope that this special order might contribute to arriving at a just and equitable solution to the Cyprus issue.

Mr. FEIGHAN. I thank my colleague from California for joining us today in this special order.

Mr. BILIRAKIS. Mr. Speaker, will the gentleman yield?

Mr. FEIGHAN. I am happy to yield to the gentleman from Florida.

Mr. BILIRAKIS. Mr. Speaker, I would like to commend my colleague from Ohio [Mr. FEIGHAN] along with my other colleagues for the initiative he has demonstrated by taking out this special order on this truly historic day. It is action and involvement like his that is necessary now in order to encourage a solution to the problems of Cyprus which is so close and yet so far away. I would like to personally thank him and extend my hope that the gentleman will be an example which many others will follow.

Mr. Speaker, today the people of Cyprus celebrate an anniversary and I, too, would like to join my colleagues in extending my heartfelt congratulations to them on this, the silver anniversary, of the Republic's independence. I only wish and pray that this event were one that could be adequately marked by celebration alone. The unfortunate reality, however, is that there are many problems yet to be resolved before Cyprus can celebrate its true independence. It is our duty and obligation to draw attention to them.

Before we discuss the issue, however, I would like to take a moment to commend the brave and noble citizens of Cyprus for the resolve and strength of character they have demonstrated throughout these difficult years. The people of this island nation have had to endure many hardships, injustices, and insults throughout the years, but they have endured. Their loved ones have been lost, their families have been uprooted, their homes have been destroyed, but they continue to persevere. They are indomitable because justice is indomitable. Their right shall make right. This day truly belongs to them.

This is a day of which every Cypriot can be proud, for it marks a milestone in a long and just struggle for a free and independent country to call their own. The struggle continues and it is still just. The Cypriots continue to face many forces that threaten the indpendence of their country, and they continue to demonstrate the character and spirit that seeks to prevail in their noble cause. The international community must now step in and assist this just cause, for those forces that would undermine the integrity of Cyprus have been allowed to fester too long. It is now time for all freedom-loving nations, especially the United States, to stand up and have their voices heard. It is time we speak up for what is right and fair in Cyprus. It is time we do our part to help Cyprus finally achieve the independence and sovereignty that it is celebrating.

Mr. Speaker, we, in Congress, are in a particularly favorable position to contribute to a resolution of the current stalemate which has left Cyprus partitioned into Greek-Cypriot and Turkish-Cypriot sectors since the Turkish invasion of 1974. For this reason, I invited the Cypriot Ambassador to the United States, His Excellency Andrew J. Jacovides, to brief Members of Congress on the Cyprus issue on September 18. Mr. Jacovides' remarks were very useful, and informative, and emphasized the consistently positive stand of the Cyprus Government and the Greek Cypriot community during the various efforts toward a negotiated settlement of the Cyprus issue.

No one can deny that the Cypriot government and Greek-Cypriot community have done more than their fair share in encouraging a settlement throughout the years. They have made many painful concessions in an effort to bring harmony to the island which have not only not been matched by the other side, but have been thwarted by them. The Turkish-Cypriot community has even, in direct violation of relevant U.N. resolutions, taken a series of actions, subsequent to the 1974 invasion, which are aimed at consolidating the occupation and division of that small Mediterranean republic. For example, as recently as 1983, there was even an illegal attempt to create a new Turkish political entity in the occupied areas. Fortunately, this unprecedented secessionist action was promptly labled as illegal and unaceptable by the international community and received the condemnation that is so well deserved. Yet it illustrates all too well the staunch and dogmatic attitude of the Turkish and Turkish-Cypriot communities which has prevented the attainment of a just solution to the problems of the republic throughout these long, sad years.

Their detrimental actions have not ceased there. Contrast the following if you will. First, Cyprus has agreed to place internal security and the protection of human rights of all Cypriots under international supervision for as long as necessary while Turkey refuses to accept any impartial third-party international body on Cyprus. Second, Cyprus has agreed to a bicameral legislative constitutional arrangement under which Greek and Turkish Cypriots will be represented equally in the upper house, that is, 50–50, and proportionally to the population ratio in the lower house, that is, 80–20 while Turkey demands 50–50 representation

in everything, even though Greek Cypriots outnumber the Turkish Cypriots 4 to 1. Third, Cyprus has agreed to a total demilitarization of the Republic of Cyprus to be replaced by an enlarged U.N. peace keeping force in order to allay any security fears of the Turkish Cypriot community while Turkey opposes the augmentation of the U.N. Force and demands an arrangement that would legalize her military presence in the sovereign state of Cyprus.

There cannot, of course, even be any pretext of legitimacy for the presence of a foreign power's military troops in a sovereign state. In fact, to anyone familiar with the issue, there can be no doubt that the paramount obstacle to a negoitated settlement, in addition to first, the issue of Greek-Cypriot areas to be returned, and, second, freedom of movement within regions after settlement has been, and continues to be, the issue of the Turkish troops on the island and the insistence by Turkey on maintaining those troops there even after a settlement is reached.

I am pleased to report that the issue of demilitarization was particularly well received by the Members who attended Ambassador Jacovides' briefing, and I am hopeful that recognition of this necessity by our colleagues in Congress will soon translate into postitive action to help bring it about.

Turkey fails to realize that there may never be a settlement on Cyprus as long as they insist on maintaining foreign military troops there. Cypriot President Spiros Kyprianou first proposed demilitarization in 1978 at the special session of the United Nations on disarmament. It is, in fact, a basic prerequisite to a solution of the Cyprus problem. The demilitarization proposal, repeated by President Kyprianou in January 1984, contains two parts. First, it calls for the withdrawal of all Turkish occupation troops, together with the colonizers from Turkey. Second, at a later stage, all troops provided for under the Treaty of Alliance—Greek and Turkish contingents—would be withdrawn, and the Cyprus National Guard and the so-called Turkish-Cypriot Security Force should be dismantled. Demilitarization will contribute as an element of internal stability and alleviate Turkey's fears that Cyprus may be used against her militarily, but Turkey continues to resist all attempts to negotiate removal of her troops from Cyprus.

It is, therefore, up to us in Congress to encourage Turkey to begin negotiating in good faith and to convince her to begin to make some concessions of her own toward a settlement. Turkey is, after all, the third largest recipient of United States aid in this time of recordbreaking deficits at home, and it seems to me that the United States can, and should, put some further conditions on receipt of that aid.

It is my hope that if progress continues to lag, the Congress will act to send a clear message to Turkey and to the Turkish-Cypriot community that we are tired of waiting and hearing false promises. We are tired of halfhearted negotiatons which are doomed to failure in advance. We are tired of human rights violations. We are tired of property violations, and we are tired of subsidizing such illegal and immoral actions. We cannot wait any longer.

For the sake of the independence of a small nation, the stability of an entire region, and the peace of mind of thousands, I declare that the Cyprus problem must be settled and settled soon. Let us insist that all parties concerned act in good faith to ensure that a just solution is soon brought about. Thank you.

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Mr. FEIGHAN. Mr. Speaker, I want to thank my colleague from Florida for a particularly compelling statement, one that I think very clearly lays out the gross inequities that exist in that country today and one that, as well, states very clearly, I think, the obstacles that exist for a peaceful settlement to the conflict.

I think that your call to action, that the Congress should follow, is one that should be circulated widely in the Congress, and is one of immense sensibility.

I thank the gentleman for his participation.

Mr. GILMAN. Will the gentleman yield?

Mr. FEIGHAN. I would be very happy to yield to the gentleman from New York [Mr. GILMAN] who, as a member of the Committee on Foreign Affairs has been a very constructive force for a long period of time, quite a number of years, on trying to reach a settlement to this conflict.

Mr. GILMAN. Mr. Speaker today marks the 25th anniversary of the independence of the Republic of Cyprus. After 90 years of British rule, the newly independent people of Cyprus looked with hope on the future of their small nation. Unfortunately, the fruits of independence have not been fully enjoyed by the people of Cyprus. That land was wracked by dissension and violence, often inspired by outsiders. In 1974, the Turkish invasion led to a division of the island and the uprooting of populations, leaving thousands homeless. Turkish troops have remained on Cyprus since 1974, and progress toward a political solution has been excrutiatingly slow.

There has been some optimism in the past year in which the Greek Cypriot and Turkish Cypriot communities have been engaged in serious negotiations. U.N. Secretary General Perez de Cuellar has been untiring in his personal efforts to bring about a resolution of the situation on Cyprus. The Secretary General has circulated two drafts of a paper outlining a solution, each of which has been accented by one side. Now he is engaged in trying to bridge the gap between the two drafts—a gap which many observers believe is not very wide. The Secretary General deserves our praise for his past efforts and our encouragement as he continues to try to resolve this troublesome issue. I know that his work has been receiving strong support from the administration, which is entirely appropriate.

Mr. Speaker, the people of Cyprus deserve to live united and free of military occupation, in peace. They should be allowed to decide for themselves about their future. The 25th anniversary of an independent state is a sad time to have to contemplate about its impending return to true independence and to peace, but that is what we are all now hoping and praying for. With the cooperation and good will of all of the people of Cyprus, of Greece and Turkey, and all others who can bring their good offices to bear in support of an acceptable and just solution, hopefully we may be able to observe next October 1 as the 26th anniversary of a Cyprus united and at peace.

Mr. Speaker, I thank the gentleman from Ohio [Mr. FEIGHAN] for arranging today's special order in recognition of the 25th anniversary of the independence of the Republic of Cyprus, and for providing us this opportunity to participate in this worthy discussion.

Mr. FEIGHAN. Mr. Speaker, I thank my colleague from New York [Mr. GILMAN] very much for joining us in this special order today.

**Mr. MCHUGH. Mr. Speaker, on October 1, the Republic of Cyprus will celebrate its 25th anniversary of independence. While for most independent nations this would be an occasion of unqualified joy and festivity, for the people of Cyprus this quarter-century mark is also a painful reminder of their island's divided status.**

**The tragic history of the Cyprus conflict is well-known to members of this chamber. Shortly after independence, serious differences arose between Greek and Turkish Cypriots over the interpretation and implementation of their new constitution. In part this reflected age-old animosities and suspicions, but the intercommunal fighting contributed to further divisions between the Greek and Turkish Cypriot communities. In 1964 the U.N. Security Council created a U.N. force in Cyprus which remains there to this day.**

**A decade later, following disturbances on the island, the Turkish government landed military forces and began the occupation of the northern part of the island. More than a third of the Cypriot population became refugees owing to this invasion. This mili-**

tary occupation of northern Cyprus continues dividing the island today.

Despite this tragic past, Cyprus need not remain a nation divided. There appears to be considerable will among a majority of both Cypriot communities to find a peaceful settlement to their political dilemma through new constitutional arrangements. In the recent past, the United Nations has taken the lead in sponsoring a series of intercommunal talks between Greek and Turkish Cypriot leaders. Unfortunately, those talks have not proved fruitful to date. At various times both sides have been intransigent.

Future efforts to restore a federal government in Cyprus require that both sides show greater flexibility in their negotiating positions. For the time being, they should abstain from further acts which consolidate the island's divided status—acts such as the parliamentary and presidential elections held in the Turkish Cypriot north in June, or the proposal to allocate for Turkish settlement occupied lands belonging to displaced Greek Cypriots.

As much as some would like to think so, the solution of the Cyprus dispute does not lie with the Cypriots alone. Although the terms and structure of the settlement remain for them to work out, no real progress is likely without the good will and support of interested outside powers—Greece, Turkey, and the United States. The Governments of Greece and Turkey hold considerable sway over the Cypriot parties in the negotiations, and any settlement without their endorsement in word and deed has little chance of lasting success. Although Turkey has recently indicated that it intends to maintain troops on Cyprus as part of any settlement, it must realize that a key requirement for a durable solution is the withdrawal of Turkish forces from the island.

For its part, the United States must continue to actively support U.N. Secretary General de Cuellar's efforts to arrange further talks between the Cypriot leaders. In addition, we and our NATO allies should encourage Greece and Turkey to support negotiations. In doing so, we work toward the day when all Cypriots may celebrate their independence together.

Ms. SNOWE. Mr. Speaker, today, the 25th anniversary of Cypriot independence is an occasion for both commemoration and remorse. It is appropriate that we celebrate this 25th anniversary, while remembering that for 11 of those years the sovereignty of this small island nation has been under seige by foreign occupation of the northern half of its territory. The continuation of that occupation by Turkish forces is a sad comment on the resolve of a nearly united international community.

More than a decade of delay in reconstituting the nation of Cyprus after the Turkish invasion in 1974 has proved to be an insidious process. In international relations, as in politics, delay is a slow, quiet process of foreclosing options. By its nature, delay rarely causes headlines; all it does is compound problems and make their resolution more difficult.

There is an appearance of sameness in the basic equation on Cyprus ever since 1974: The island remains partitioned, with 40 percent of the land reserved for the 18 percent of the Cypriot population that happens to be of Turkish origin. This partition is maintained only through the occupation of northern Cyprus by more than 30,000 Turkish troops. Frustrated by the obstinacy of the Turkish occupation, the government of Cyprus has made one concession after another over the years in an attempt to accomodate the new, unpleasant realities on Cyprus and to make the nation whole once again. In that time, however, Turkey and Turkish-Cypriot leaders have employed the tactic of delay with escalating demands.

We usually debate the issue of Cyprus during foreign aid season in Congress. We do this due to our legitimate concern about the illegal use of American weapons in Cyprus over the years, and the need to decide whether to place additional restrictions on U.S. military aid to Turkey because of that concern. But such debate has a tragic repetitiveness. As Turkey and Turkish-Cypriot leaders move ahead with the process of establishing a permanent Turkish rump state on Cyprus, they pause once a year during congressional consideration of foreign aid legislation to send out encouraging signals amid a contrived flurry of diplomatic activity. If Congress takes some concrete action to encourage a settlement on Cyprus, Turkish-Cypriot Leaders scuttle the talks and blame Congress. If, however, Congress defers, trusting the promise of progress, the talks soon grind to a halt with the sudden appearance of new areas of Turkish-Cypriot concern.

There remains some hope for progress, however, due to the determined efforts of the U.N. Secretary General, who has worked for nearly 10 years in an attempt to achieve a mediated settlement on Cyprus. The Secretary General claims that he is the closest ever to a settlement of the problem of Cyprus, and that pressure must be placed on the parties involved to push the process to resolution. He also has warned that if negotiations do not move forward now, the process may be set back for years.

It remains to be seen just how responsive Turkey and Turkish-Cypriot leaders will be to the Secretary General's call for direct negotiations based on a proposed consolidated draft agreement he has put forward. The Governments of Cyprus and Greece accepted the consolidated agreement when the Secretary General first proposed it last April. The Turkish-Cypriots, however, delayed submitting any kind of reply until the end of August, and even then it was ambivalent and confusing.

To clarify the position of Mr. Denktash, the Turkish-Cypriot leader, the Secretary General arranged several meetings with Mr. Denktash in the past two weeks when he was in town for the convening of the 40th U.N. General Assembly. Little, however, was clarified. Mr. Denktash raised several nebulous concerns about the draft agreement, and declined to accept it even as a basis for negotiation. He requested another round of indirect talks to restructure the draft agreement before direct negotiations could begin. Thus, it appears that we are not entering a final stage toward settlement, but yet another episode in the process of delay.

In a meeting the Secretary General had with members of the Foreign Affairs Committee 3 weeks ago, he was clearly frustrated by such delays. Although he was not yet willing to give up his initiative, he sounded the alarm on the need to push the reluctant parties toward settlement. Certainly, we in Congress should care about what happens on Cyprus for humanitarian reasons and for our belief in the importance of international law. But what should most drive our concern is the fact that delay is not a neutral process: over the past ten years it has led to a serious erosion of our vital interests in the southern flank of NATO.

A lack of settlement on Cyprus has enflamed the animosity between our important allies in the Eastern Mediterranean, Greece and Turkey. It has fueled Greece's transformation from a strong ally to virtual neutrality in East-West issues. If the process continues, we may soon find a radical nonaligned country in the Eastern Mediterranean. What is more, our relations with Turkey have not improved as our relations with Greece have deteriorated. As Turkish-Greek relations worsened, Turkey has increasingly demanded United States Preferential Treatment in aid and in bilateral issues between Greece and Turkey. Any United States support for a symbol of equity and balance, such as maintenance of the 7 to 10 ratio in aid, is seen as anti-Turkish.

This is a dangerous process for U.S. national interests, and we must not allow it to continue. If the Turkish-Cypriots do not agree to enter direct negotiations, it might take a dramatic gesture by the United States to break the current psychology of deadlock. In recent months, the Secretary General has stated that in his view, the Security Council has been underused as a forum for serious problem-solving. He has urged that the permanent members of the Security Council pick one or two issues that do not involve direct superpower confrontation, and on which the United States and the Soviet Union generally agree. The obvious choice is Cyprus, as was urged in the September 21 issue of The Economist, which I would like to submit for the record. This is indeed the year to shatter the impasse on Cyprus—it may be our last opportunity. We must use all the tools available to us to demand that real progress is finally made. Let us help turn the 25th anniversary into a new era of unity and independence on Cyprus.

[From the Economist, Sept. 21, 1985]

THE JEWEL IN THE UN

(By Perez de Cuellar)

When precious stones are embedded in lumps of coarse matter, it takes skilled craftsmen with plenty of patience to reveal their beauty. The jewel of peace is not easily perceived amid all the dross at such a big international gathering as the annual session of the United Nations assembly, which began on September 17th. This being

the 40th session, almost 100 heads of state or government will converge on New York to add their posturings and special pleadings to those of the 159 delegations. After weeks of speechmaking, about 300 resolutions and decisions will be voted, nearly all of them passing instantly into oblivion. And when the three-month talkathon is over many people will, as usual, wonder whether it was worthwhile.

Of course, in simple terms of productivity, these huge gatherings are not worthwhile. If most of the verbiage and vote-countings were cut away, the world would feel no loss. Nevertheless, at the heart of all the dross there may still be discerned something of value.

Unprecedentedly, a world of sovereign states has for 40 years remained agreed that it needs a near-universal organisation with the primary purpose of maintaining peace. For all its weakness and wastefulness, the UN is the only such mechanism yet available. Blueprints for much better ones are ten a penny; but they are fated to remain mere blueprints so long as that characteristic of our times, the craving for national independence, endures. True peace-seekers should refrain from dreaming about ideal world organisations and concentrate on trying to make the one we have work better.

THE NEED TO SHOW IT CAN DO SOMETHING

Among the assembled throngs in New York there are some people who are more interested in making the UN work better than in using it as a loudhailer through which to shout slogans. Fortunately, one of them is the secretary-general. Mr. Perez de Cuellar cannot steer the assembly; he can only nudge it. But each September he gets a timely change to nudge it when he writes an introduction to his annual report on the organisation's work. He has repeatedly urged the delegates to cut down on resolutions, repetitions and confrontational rhetoric—warning them, last year, that the UN "is a willing and patient horse, but it should not be ridden to a standstill". He has also sought their support for his nudging of the 15-member security council.

One of his suggestions this year is that the security council should make a "concerted effort to solve one or two of the major problems before it by making fuller use of the measures available to it under the charter". The council's members should invite Mr. Perez to expound this idea. It is not unthinkable that they should agree, instead of waiting for crises, to focus their minds on a persistent problem and to put their full weight behind a plan for settling it. Cyprus, maybe?

Sometimes—as in the 1964 Cyprus and 1973 Middle East crises—the council has proved remarkably valuable. Its usefulness could surely be increased by quite modest improvements in its working methods. Moreover, some of these might require no formal agreement; already at least one such beneficial change, the abandoning of the charter's provision that a permanent member's abstention should constitute a veto, has been achieved simply by tacit consent. And even amendment of the charter is not as inconceivable as is widely supposed. To grasp that point, the council's 15 members need only look around their horseshoe-shaped table. There would be only 11 of them there, if the charter had not been amended as long ago as 1965.

The UN needs, above all, a fresh demonstration that it can achieve something. Next week the security council is to hold a special meeting at which its member states' foreign ministers will sit at that horseshoe table (Sir Geoffrey Howe presiding) and exchange ideas about the future of the council and the UN. If they refer to Mr. Perez's proposals at all, they may be inclined to poohpooh them as unrealistic. But 15 foreign ministers should be able, between them, to produce some realistic suggestions of their own for making more use of a mechanism which they still value.

**Mr. BARNES. Mr. Speaker, I would first like to commend my colleague, the gentleman from Ohio [Mr. FEIGHAN] for taking the initiative on this important issue. He has led the fight in support of peace on the island of Cyprus for the last several years, and has been very successful in keeping this issue before the Congress.**

**Mr. Speaker, today marks the 25th anniversary of the independence of the Republic of Cyprus. Unfortunately, as has been the case for the past decade, this anniversary serves as a reminder to the Cypriot people—and to the world—of the tragedy that continues on that island. The 30,000 Turkish troops that have occupied the northern part of Cyprus since July 1974 remain in place. Turkey has also sent 50,000 colonists to bolster the Turkish representation on the island. This minority group, representing only 18 percent of the population, controls over 40 percent of the territory of the country.**

**Earlier this year, the Government of Cyprus accepted a draft agreement presented by U.N. Secretary General Javier Perez de Cuellar. However, Turkish Cypriot leader Rauf Denktash dashed hopes for progress on the agreement, by refusing to agree to the withdrawal of Turkish military forces from the island, and by stating that there is no intention on the part of the Turkish Cypriots to live in a mixed society with Greek Cypriots. This kind of intransigence will only prolong the suffering of the people of both communities in Cyprus.**

**Mr. Speaker, the Turkish Cypriots—and Turkey—need to hear from the United States. The Reagan administration has practiced a policy of "quiet diplomacy" on the Cyprus issue—a policy that, unfortunately, has granted the Turkish Cypriots the space to dig their heels in even deeper. For the last 5 years, we have stood by while the Turkish Cypriots declared their independence and wrote their own constitution, held elections, and distributed lands to Turkish Cypriots which had been taken from Greek Cypriots at the time of the invasion. One can hardly call this progress in uniting the two communities.**

**Every year the administration has proposed massive increases in aid to Turkey, aid that is used by Turkey to maintain the occupation forces in northern Cyprus. However, this Congress has stood firm over the years in its belief that United States military assistance to Turkey must be tied to progress on the Cyprus issue. Without a clear message from the United States, Turkish and Turkish-Cypriot intransigence on this issue will continue.**

**Mr. Speaker, we must make it clear that an equitable resolution of the Cyprus conflict is a priority in United States foreign policy. Without pressure from the United States in support of U.N. peace efforts, Cyprus will continue to mark the anniversary of its independence as a divided nation.**

**Mr. MATSUI. Mr. Speaker, I rise to pay tribute to the unflagging spirit and independence of the people of the Republic of Cyprus who celebrate their 25th anniversary as a nation today.**

**Throughout its history the sovereign nation of Cyprus has maintained a close and important relationship with the United States. Strategically located on the southeastern flank of NATO there are two British bases and a United States radar base on the island. After the bombing of the Marine barracks in Beirut, Cyprus was the only country to permit the United States use of its facilities in the evacuation of the wounded.**

**Since 1974, Turkish troops have illegally occupied 40 percent of the island. Regardless of efforts by the United States and the United Nations, Turkey has shown little indication of a willingness to withdraw from Cyprus. We should take this occasion to recommit ourselves to sending a clear message to the Government of Turkey that meaningful negotiations must begin immediately. Future aid to Turkey should be dependent upon that government's willingness to negotiate and progress in settling the conflict based on democratic principles of majority rule with full minority rights.**

**It is my hope that the warm and friendly people of Cyprus will enjoy the next 25 years of independence in peace and prosperity.**

**Mr. BROOMFIELD. Mr. Speaker, I rise to join in this commemoration of the 25th anniversary of the independence of the Republic of Cyprus. Twenty-five years ago, the people of Cyprus were freed from 90 years of British rule and 300 years under the Ottoman Empire. They looked to the future with hope.**

**Regrettably, in the years since independence, outsiders have interfered with the fate of that beautiful island; it still does not enjoy the unity and peace that it deserves. We recall with sorrow that in 1974, Turkey invaded Cyprus; 11 years later, Cyprus remains occupied by 25,000 troops, and 200,000 Greek Cypriots remain refugees.**

**This January, President Kyprianou of Cyprus and Mr. Ruaf Denktash, the leader of the Turkish Cypriot community, met in New York for the first summit-level talks between the two communities in 6 years. After the summit, United Nations Secretary-General Perez de Cuellar drafted a proposal which was not completely acceptable to the Greek Cypriot side. Nevertheless, important concessions were made by that side, so that a new revision was signed this March. Hopes for a quick settlement were dashed, however, when the Turkish Cypriot side refused to accept the revised version of the principles for peace.**

**Thus far, Mr. Denktash has refused to accept such elementary propositions as the need for Turkish troops to end their occupation, and for the establishment of free-**

dom of settlement and movement on the island.

The Secretary-General is continuing his work. On this anniversary of the independence of Cyprus, we must reaffirm our support for his efforts. Our Government must urge Mr. Denktash to make the concessions necessary to achieve real progress on this issue. The ball is in his court. Without strong pressure from the United States, and movement by Mr. Denktash, Cyprus will never achieve the independence that its people hoped for for years and thought they achieved 25 years ago today.

Mr. FASCELL. Mr. Speaker, I congratulate the people of the Republic of Cyprus who are today celebrating the 25th anniversary of their nation's independence. Since that independence, the Republic of Cyprus has been one of the United States' most trusted friends in this strategically important area of the world. Cyprus' humanitarian assistance to the United States during both the TWA hostage crisis and the evacuation of the marines wounded in the Beirut barracks bombing are only two of the most recent examples of this friendship. The people of Cyprus have experienced their share of adversity and disappointments in the short history of their nation. Yet today, on this important anniversary, the people of Cyprus have reason to believe that peace is close at hand and that true independence for both the Greek Cypriots and the Turkish Cypriots is not far away.

This optimism is founded on the recent successes of U.N. Secretary General Javier Perez de Cuellar's Cyprus peace initiative. After the summit talks between President Kyprianou and Mr. Rauf Denktash broke down in January of this year, Mr. Perez de Cuellar began a tireless effort to consolidate the principles agreed to during those face-to-face meetings. The result of these efforts was the completion of a draft consolidated agreement in March. This document addresses the fundamental issues to be resolved between Greek and Turkish Cypriots. The Secretary General's efforts provide the best vehicle yet for future peace on Cyprus. President Kyprianou has agreed to this draft of the consolidated document and we are hopeful that Mr. Denktash will do the same in the near future. Acceptance of this document will serve to pave the way for a peaceful resolution of this 11-year-old tragedy.

In light of these positive developments, I believe the United States should reaffirm our support for the Secretary General's efforts and our conviction that his efforts represent the best hope for peace in Cyprus. The good faith actions of all parties to the dispute can and will overcome any remaining roadblocks to peace. Our friends on Cyprus have suffered through 11 years of adversity; it is time for us to take the steps necessary to ensure this peace opportunity does not pass.

Mr. GEKAS. Mr. Speaker, we are gathered here this evening to commemorate an important date in the history of the Republic of Cyprus. Twenty-five years ago on October 1, the independent republic was established. Our Nation has certainly enjoyed a beneficial relationship with Cyprus over those years, and I would like to express my appreciation to our friends in that regard.

It was Cyprus that allowed our country to use their airport after the terrorist bombing of our marines in Lebanon. That gesture will always be remembered by Americans as an example of the Cypriot good will.

Unfortunately, the people of Cyprus cannot fully enjoy this anniversary of their independence. As everyone knows, a force of foreign troops invaded their country in 1974, and remains there to this day. More recently, the Turkish Cypriots have tried to make permanent the partition of that island by forming a new government. So instead of celebrating the anniversary of their independence, many Cypriots will spend October 1 hoping for the return of their land, and a solution to this problem.

Those of us concerned with this issue turn our attention on this date to the efforts of United Nations Secretary General Perez de Cuellar to come up with a unification plan for Cyprus. Mr. de Ceullar has worked very hard this year to keep both sides negotiating, and his determination to resolve this matter is to be commended. It is my sincere hope that he will continue this very important process, despite the many obstacles that have been placed in his path by the officials of an illegal government.

At this moment in history, Mr. Speaker, we must rely on the success of the U.N. Secretary General to ensure the celebration of October 1 in the future by a truly independent Republic of Cyprus. Our prayers are with him.

Mr. BERMAN. Mr. Speaker, I commend my colleague from Ohio for organizing this special order to commemorate the 25th anniversary of Cypriot independence.

I am glad to join with the people of Cyprus in celebrating this occasion. I only wish this 25th anniversary of independence weren't marred by the continued partition of the island of Cyprus.

Last year we engaged in a special order to focus attention on the fact that against the will of most of her people, Cyprus is a divided island. We may have had some success, and helped make people aware of the problem. But the progress that has been made, both in terms of international support for unification and congressional pressure on the Turkish Government to join us in efforts to reunify Cyprus, hasn't brought about a final resolution of the conflict.

The Cypriot Ambassador to the United States, Andrew Jacovides, recently met with several of our colleagues to discuss the background and recent developments of the Cyprus problem. As Ambassador Jacovides pointed out, we in Congress have the tools to help facilitate a peaceful solution to the problems in Cyprus. I am hopeful that our use of one of those tools last summer will hasten a resolution of the dispute.

We conditioned eligibility for a $250,000,000 Cyprus Peace and Reconstruction Fund on acceptance by both sides of an agreement that makes meaningful progress toward a final settlement of the partition dispute. In order to receive the aid, Greek and Turkish Cypriots must settle the Varosha-Famagusta question, agree on allowable foreign troop levels in the Republic of Cyprus, conclude an agreement on the disposition of Cyprus' international airport, or take other significant steps that show progress toward a settlement.

The majority of the people of Cyprus want a unified and independent state, and our fundamental belief remains that the interests of the United States and the Cypriot people would best be served by a bizonal, Federal solution. United Nations Secretary General Perez de Cuellar has given both sides in the dispute the opportunity to achieve such a solution. Perhaps the provision we adopted in the economic support fund will serve as an added encouragement toward acceptance of the Secretary General's plan.

Let us hope that both Greek and Turkish Cypriots mark the occasion of the anniversary of independence by resolving to finally settle the partition dispute.

Mr. MAVROULES. Mr. Speaker, I address my colleagues today in recognition of the 25th anniversary of the creation of the Republic of Cyprus. On August 16, 1960, the island of Cyprus achieved its liberation from British colonial rule. Today, on the date officially recognized as the anniversary, we are compelled to take a moment to reflect upon the meaning of this important occasion.

The short 25 year history of this Republic has been marked by disturbing events—events which we all must come to terms with, and which necessitate our focusing particular attention on the significance of this anniversary.

If conditions were different, and we all wish that they were, we would be able to recognize this occasion in entirely positive terms. Unfortunately, this is not possible. We are unable to commemorate this event without addressing the unfortunate situation which currently prevails on the island of Cyprus. For as we all know, approximately 35,000 Turkish troops presently occupy over a third of the island—a military presence that is totally unacceptable, but that has persisted since the 1974 invasion. To compound the difficulties, unification talks between President Spyros Kyprianou and Turkish Cypriot leader Rauf Denktash have proven largely unproductive. And today, over 11 years after the 1974 invasion, the island remains divided. Indeed, in November 1983, northern Cyprus illegally declared itself an independent state, an action which was condemned by the U.N. Security Council.

And this, my distinguished colleagues, places a particular burden on our shoulders. It creates for each and every one of us a responsibility to speak out in the name of justice. I would say first that it is imperative that the United States vigorously pursue a peaceful, mutually agreeable settlement to the ongoing dispute. We must make it perfectly clear that we remain

firmly committed to this cause. Anything short of a persistent and determined effort on the part of our nation will signal an acceptance of the present situation. And let there be no question that the existing situation is one which contradicts our most valued notions of justice and international law.

I think, finally, that the ultimate significance of our recognizing today's occasion lies in the very reason for this anniversary—that being that this date marks the creation of a very specific national entity, one which was founded in accordance with very specific principles of government. And let us not lose sight of this very basic, and yet critical observation. We recognize today the original and official Republic of Cyprus, precisely as it was established on the day of liberation 25 years ago. We do not recognize any partition of the island, nor do we recognize any government except that which was originally created to govern the Republic in its entirety. We are morally compelled to uphold this position, and we must do so if we are to remain true to the very principles of democracy which provide the basis for our own system of government. And if there is one single thought which we must emphasize today, it is simply that by recognizing this anniversary, we are in effect reaffirming our commitment to an independent Republic of Cyprus, one which is free of geographical partitions, as well as of destabilizing and unlawful military occupation.

In closing, I would like to add that I recognize this anniversary with a deep appreciation for the significance and meaning of the liberation of Cyprus, and with a profound respect for the sovereignty and independence of the Republic that was created by this liberation. And, finally, I recognize this anniversary with the hope that someday in the near future the Republic of Cyprus will be freed of the internal strife that has marked so much of its short history.

Mr. BONKER. Mr. Speaker, today the people of Cyprus mark the 25th anniversary of the independence of their country. This momentous occasion, however, is overshadowed by the continued division of that nation, and the, as yet, unresolved fate of its Greek and Turkish populations.

The tragedy of Cyprus must not be allowed to continue indefinitely. The artificial division of the Republic of Cyprus is dangerous not only for the Cypriots, but for the whole Eastern Mediterrean region. It places American security interests in the region in jeopardy and remains the greatest obstacle to the restoration of good relations between Greece and Turkey, the anchors of NATO's southeastern flank.

The recent efforts on the part of the U.N. Secretary-General to broker a negotiated settlement on Cyprus offers reason for hope. In January, Cypriot President Kyprianou and Turkish Cypriot leader Denktash met for the first time in 5 years. Although no agreement was reached, negotiations are still underway. A draft agreement prepared by Secretary-General Perez de Cuellar was accepted by President Kyprianou but was later rejected by Mr. Denktash.

On this anniversary, I believe we must reaffirm our dedication to finding a peaceful solution to the Cyprus conflict. The recent humanitarian assistance given by Cyprus to the TWA hostages demonstrates the friendship that the people of Cyprus feel for our country. It is incumbent upon us now to help in their efforts to negotiate stability for the next 25 years.

Ms. MIKULSKI. Mr. Speaker, today the Republic of Cyprus celebrates the 25th anniversary of its independence. Sadly, the anniversary is marred by the continued division and occupation of their nation for the past decade.

The citizens of Cyprus have looked with hope to the United Nations Secretary-General's Cyprus initiative as the best means available to bring a long-awaited peace to their country.

The original U.N. proposal dealt with the amount of territory to be held by each side in the Cyprus dispute, the powers of the states and the Federal Government, and withdrawal of Turkish troops.

In January of this year, summit talks were held between President Kyprianou of Cyprus and Mr. Rauf Denktash to try and find a peaceful solution to the situation in Cyprus. Although these talks ended inconclusively, they established the principles that would be included in any future peace agreement for Cyprus.

After the summit, President Kyprianous played an integral role in Mr. Perez De Cuellar's efforts to draft a revised version of documentation which formed the basis for the January talks. In an unprecedented act of good faith, President Kyprianou made a substantial number of painful concessions in an effort to ensure a positive response from Mr. Denktash. In March of this year President Kyprianou signed the consolidated document for peace.

Unfortunately, in August 1985, Mr. Denktash diplomatically rejected the Secretary-General's consolidated document. In his reply, Mr. Denktash indicated that he would not accept the condition for the withdrawal of the more than 30,000 Turkish troops from Cyprus, the threshold requirement for any lasting solution to the crisis in Cyprus.

We in this country must do all we can to keep alive the possibility of a peaceful and united Cyprus. A successful solution would play an important role for improving relations between Greece and Turkey. It would shore up NATO's eastern flank, and, at long last, allow Greek and Turkish Cypriots to work together for a peaceful and prosperous future.

Since January, however, Mr. Denktash, with Ankara's approval, has continued to take steps to ensure the permanent partition of Cyprus. Since January, these measures have included the following:

Mr. Denktash held a referendum in May to adopt a new constitution for the occupied zone.

Mr. Denktash held presidential and parliamentary elections in June.

In June, Mr. Denktash announced the distribution of thousands of acres of land owned by Greek Cypriots in the occupied zone to Turkish Cypriots.

Today the people of Cyprus mark the 25th anniversary of their independence. Unfortunately, this sovereign nation will not enjoy the fruits of this freedom until their nation is once again united and free of occupation forces. A clear indication of our support for the cause of freedom on Cyprus offers the only hope for peace.

Mr. YATRON. Mr. Speaker, I rise to join my colleagues in commemorating this very important day. I want to thank the gentleman from Ohio, Mr. FEIGHAN, for his outstanding leadership and initiative in calling this special order.

October 1, 1985 marks the 25th anniversary of the establishment of the Republic of Cyprus. Cyprus has maintained a close relationship with the United States throughout its 25-year history, and recently provided critical logistical support for the American peacekeeping forces in Lebanon. Moreover, Cyprus was the only country to permit the United States use of its facilities in the evacuation of the wounded Marines after the Beirut bombing.

Since 1974, Turkey has occupied 40 percent of Cypriot territory, even though Turkish Cypriot make up less than 20 percent of the island's population. The United Nations has attempted to resolve this dispute, and the Congress and the administration have also worked to facilitate a lasting, peaceful settlement. In a wider geopolitical context, the continuation of the Cypriot discord also has important implications for NATO and Greek-Turkish relations. Clearly, we have a strong national interest in preserving intercommunal harmony on the island and in solving the basic disagreements between the parties.

As a member of the House Foreign Affairs Committee, I have been actively engaged in efforts to pressure Turkey to end the occupation, and to force an agreement which respects the rights and interests of both sides. I will continue to be involved in this issue.

I think this special order will serve to remind members of the importance of Cyprus to the United States and for the need of the Turkish Cypriot community to be much more forthcoming in negotiations.

Mr. HUGHES. Mr. Speaker, I would like to thank the gentleman from Ohio [Mr. FEIGHAN] for organizing today's special order on the Cyprus situation. Today's special order, on the 25th anniversary of Cyprus independence, serves both as an important reminder to our colleagues that the crisis in Cyprus continues, and as a call to this Congress for a renewed effort in resolving the conflict.

Cyprus remains a nation divided. I am deeply concerned that steps such as the exchange of Ambassadors with the Turkish Government, and the distribution to Turkish Cypriots of land owned by Greek Cypriots in the occupied zone, will not serve to advance peace negotiations in that troubled country.

I urge my respected colleagues to take note of United Nations Secretary General Javier Perez de Cuellar's efforts toward a negotiated peace in Cyprus. This spring, the Secretary General negotiated concessions from Cyprus President Kyprianou, and presented Mr. Denktash with a consolidated document for peace. This document was rejected by Mr. Denktash. The United Nations peace initiative will continue, and our cooperation, participation, and support of that determined effort is needed.

Our role in this situation, however, must focus not only on Cyprus, but also on our NATO alliance. The conflict between Greece and Turkey, both NATO allies, must not continue to upset the NATO stability in that critical region. A delicate balance must be struck in our treatment of those nations as NATO allies and players in this tragic division of Cyprus.

I believe, Mr. Speaker, that the time has come for this nation to reevaluate our policies concerning the Cyprus situation. The need for negotiation and concessions remains, and a positive role by this Congress is needed to bring peace and an independent government to the now 25 year independent Nation of Cyprus.

Mr. CARPER. Mr. Speaker, on this October 1, 1985, the people of Cyprus are marking the 25th anniversary of their independence. While this occasion normally would be a cause for celebration, today, the people of Cyprus will observe this anniversary with a sense of sadness.

There have been hopes, over the past year, that some progress would be forthcoming in resolving the problems on Cyprus. The promising initiatives undertaken by United Nations Secretary General Javier Perez de Cuellar and the subsequent meetings held between President Kyprianou and Mr. Denktash increased hopes for a peaceful settlement.

While no such settlement is on the immediate horizon, we, in the Congress, continue our support for a fair resolution on the conflicts on Cyprus. Hopefully, with everyone working together and committed to a fair resolution, future anniversaries will be a joyous occasion and not a bitter reminder of conflict.

Mr. PASHAYAN. Mr. Speaker, I am pleased to participate in the special order to commemorate our Nation's close ties with the Republic of Cyprus on the 25th anniversary of its independence. I should like to commend my colleague from Ohio, EDWARD FEIGHAN, for coordinating this effort.

I wish to congratulate the people of Cyprus on the 25th anniversary of their independence. The United States has a close friend in this young Nation. Cyprus provided assistance during the evacuation of wounded U.S. Marines from Beirut barracks and during the TWA hostage crisis, to mention just two of many humanitarian acts. I want the people of Cyprus to be aware that we appreciate this assistance.

This year we have been hopeful that peace is at hand at last in Cyprus. In January, Mr. Rauf Denktash, a Turkish Cypriot leader, agreed to meet with President Kyprianou for the first time in 6 years. This meeting occurred as a direct result of the clear message the 98th Congress sent to Turkey that their intransigence would not be tolerated. While the historic meeting ended inconclusively, it established the principles for a peaceful resolution of the conflict. We were all hopeful that the good faith Mr. Denktash displayed by agreeing to participate in the meeting would continue afterward and would produce a resolution of the remaining outstanding issues between the two communities.

Unfortunately, on this 25th anniversary date, there has been no resolution of the issues. Mr. Denktash has refused to commit himself to further negotiations, has termed the meeting a failure, and has implied that existing agreements struck at the meeting would have to be renegotiated. Mr. Denktash has held presidential elections, parliamentary elections, and a constitutional referendum in the occupied zone. Last month Mr. Denktash announced the conveyance of thousands of acres of land owned by Greek Cypriots in the occupied zone. In addition, Ankara and Mr. Denktash are continuing the illegal colonization of the occupied zone with Turkish peasants, who now number 50,000. All of these acts are contrary to the cause of peace and serve to drive a larger wedge through a nation already divided. Furthermore, statements from Ankara and Mr. Denktash that Turkish troops shall remain in Cyprus after a peace agreement is reached suggest that partition, not peace, may be Turkey's goal.

Unlike Mr. Denktash, President Kyprianou has been most forthcoming since the termination of the meeting. Since January, President Kyprianou has played an integral role in U.N. Secretary-General Perez de Cuellar's efforts to draft a revised version of the documentation that formed the grounds for the January talks. In an unprecedented act of good faith, President Kyprianou made a substantial number of painful concessions in an effort to elicit a positive response from Mr. Denktash. The concessions were made despite Mr. Denktash's refusal to participate in the Secretary-General's initiative. In March 1985, President Kyprianou signed the consolidated document for peace.

Unfortunately, this past August, the Secretary-General's consolidated document was diplomatically rejected by Mr. Denktash. In his reply Mr. Denktash indicated he would not accept the condition for the withdrawal of Turkish troops, nor would he make any concessions to achieve peace. He also stated his conviction that Turkish Cypriots shall refuse to live in a mixed society with Greek Cypriots.

We all recognize that Turkey has a special responsibility for promoting the peaceful resolution of the crisis. Clearly, Ankara has not lived up to its responsibility. Our patience is being sorely tried. Turkey must recognize from the actions of the 98th Congress and from previous Congresses that we are serious in our efforts to bring the two sides together. Our goal is and shall remain that the Republic of Cyprus shall be allowed to experience and to enjoy the freedom and independence it was granted 25 years ago today.

Mr. RUSSO. Mr. Speaker, in 1960 the Republic of Cyprus was founded and today we commemorate the 25th anniversary of this beautiful but troubled land. Would that we could celebrate this occasion with the knowledge that the problems dividing this small island nation and the long and bloody struggle there have been ended. But today, sadly, a decade after the 1974 Turkish invasion, Cyprus remains a deeply troubled country and no negotiated settlement has been achieved.

What we can do today, however, is celebrate our long-standing friendship with the Republic of Cyprus and reaffirm our commitment to a peaceful resolution of the continuing conflict on the divided island. We can affirm our commitment to basic human rights for the people of Cyprus and our commitment to the sovereign borders of both Greece and Cyprus. We can reaffirm our commitment to establishing a genuine and lasting peace through meaningful negotiations.

In doing so, we send a message of hope to the people of Cyprus. There can be no illusions about the congressional mood and the unswerving belief of the American people in self-determination and self-rule under a united government. There can be no doubt as to our continuing interest and efforts in behalf of an equitable resolution.

The brave people of Cyprus deserve no less. They deserve to know that their quarter century anniversary is to be applauded and that the tragic situation on their beloved island is of concern to the world. We are, indeed, all linked, country to country, by our efforts to achieve fundamental human rights for all people.

Mr. FAZIO. Mr. Speaker, I would like to join my colleagues today in this special order to celebrate the 25th anniversary of the independence of Cyprus. Unfortunately, continual Greek and Turkish division of this nation prohibit Cypriots from enjoying this freedom.

I applaud the efforts of U.N. Secretary General Javier Perez de Cuellar who is currently undertaking sustained efforts for peace between the NATO countries. In January, he drafted a proposal for reunification of a federation and along with congressional pressure, spawned a summit meeting between Turkish leader Denktash and Greek leader Kyprianou. Regretfully, the summit proved unsuccessful.

Reaffirmation of such pressure could ensure Cyprus' hopes for a peace settlement and eventually eliminate the possibility of a disastrous war. Furthermore, the summit collapse indicates the incessant need for U.S. involvement so that permanent partition may be avoided. Progress of the U.N. Secretary General and U.S. intervention may provide the last real opportunity to bring long-awaited peace to Cyprus.

I am pleased to support this celebration of Cyprus' independence and, in addition, call for continued efforts by the United States to help stabilize this troubled nation.

Mr. WOLPE. Mr. Speaker, I wish to congratulate the people of Cyprus on this, the 25th anniversary of their country's independence. While this occasion should be a cause for great celebration, the people of Cyprus will mark this day with sadness, as it serves as a bitter reminder of the continuing division and occupation of their nation.

The United States has a good friend in Cyprus, as Cyprus President Kyprianou has repeatedly demonstrated. I am sure we all remember their valuable assistance in the evacuation of wounded marines from Lebanon and, more recently, their help in resolving the TWA hostage crisis. For these reasons alone, we should reaffirm our commitment to the resolution of the Cyprus conflict. But in addition, we must also bear in mind that our own security interests in the region dictate that we take any and all steps to bring peace to this troubled nation.

Our hopes for peace on Cyprus now rest with the initiatives undertaken by U.N. Secretary General Javiar Perez de Cuellar. Expectations of progress were raised early this year by a summit meeting between President Kyprianou and Mr. Rauf Denktash. Unfortunately, that meeting and subsequent actions have proved inconclusive, although negotiations continue.

It has been over a decade since Turkish troops invaded and partitioned Cyprus. I urge my colleagues to take note of the continuing suffering of the Cypriots, the danger to NATO security posed by this persistent conflict, and the growing demand of the American people for a peaceful and speedy resolution to the stalemate on Cyprus. Freedom and true independence on Cyprus can only come with the removal of all foreign troops. I am sure we all join together to commemorate our longstanding friendship with the Republic of Cyprus and to send the Cypriots a message of hope on this important anniversary.

Mr. FLORIO. Mr. Speaker, I am pleased to join my colleagues from Ohio, Congressman ED FEIGHAN, in this special order commemorating the 25th anniversary of the independence of the Republic of Cyprus. I would like to commend his initiative in calling this special order and direct the attention of my colleagues to the significance of this date in the history of the Cypriot people.

Mr. Speaker, 25 years ago, Cyprus ceased to exist as a British colony and once again, after centuries of domination by foreign powers, became an independent republic. However, independence in 1960 did not bring the peace that was hoped for. Instead, the decades that have followed have brought the Cypriot people violence and bloodshed. However, they have also demonstrated the everlasting courage and perserverance of the Cypriot people and renew our hope that this small island in the Mediterranean will once again enjoy the benefits of peace and freedom.

This past July 20, the international community again mourned the passing of yet another year since the illegal occupation of Cyprus 11 years ago. Eleven years ago, Turkish troops violated this small nation's territorial integrity by invading the island and wreaking havoc and destruction among the island's inhabitants. Today, 11 years later, 18,000 Turkish troops still occupy over 40 percent of Cyprus and pose an ominous threat to the island's Greek Cypriot population.

Mr. Speaker, it is time we diligently persevere in negotiating a solution to this problem. Since summit talks between Cypriot President Kyprianou and Turkish Cypriot leader Denktash collapsed last January, Mr. Denktash has held both parliamentary and presidential elections in his illegally occupied northern portion of Cyprus. Indications are that the Turkish Government intends to continue maintaining Turkish troops on the island even after a settlement. Recently, the U.N. Secretary General reported the preparation of a draft agreement which represents a judicious settlement. Though the Greek Cypriots have accepted the agreement, the Turkish Cypriots have not yet replied.

It is my hope that an affirmative reply will be given and that the international community will bolster efforts for a just and timely settlement.

Twenty-five years ago, Cyprus was a budding republic tasting its first taste of freedom. Twenty-five years later, Cyprus may be an independent republic but it is partitioned and its people are divided. It is our moral responsibility to work to ensure that the illegal occupation of Cyprus and the tragedy of the division is not prolonged.

Mr. COELHO. Mr. Speaker, on this, the 25th anniversary of the establishment of the Republic of Cyprus, I would like to join my colleagues to offer my congratulations to the people of Cyprus, as well as offer my support for the continued efforts to bring about a negotiated settlement to the 11-year dispute which has divided the Mediterranean nation.

Throughout its 25-year history, Cyprus has remained a faithful ally of the United States, as most recently demonstrated by her help following the bombing of our Marine Corps headquarters in Beirut, and the TWA hijacking incident in Lebanon. Unfortunately, since 1974, Turkey has occupied 40 percent of the Cypriot territory, and has insisted on maintaining a separate nation, under the direct control of Ankara. U.N. Secretary General Perex de Cuellar has admirably continued his efforts to achieve an agreement between the two Cypriot communities, but he steadfast refusal of Turkey to cooperate has stalled any final accord.

The United States' reluctance to confront Turkey's disregard for the basic tenets of international law, on the Cyprus issue, as well as the Armenian genocide, is unfortunate. No one questions the value of our alliance with the Republic of Turkey. That relationship, however, must be based on mutual respect and understanding. The United States has, regrettably, been fooled into thinking that we can remain friends with Turkey only if we do not demand the same allegiance to human rights, that we expect of others, ally and foe, alike.

Today, the 25th anniversary of the Republic of Cyprus, is an appropriate time to call for her unification as well. Hopefully, such pleas will not have to be heard next October 1.

Mr. ANNUNZIO. Mr. Speaker, I rise to join with my colleagues in the House of Representatives in commemorating the 25th anniversary of the creation of the Republic of Cyprus.

Twenty-five years ago, on August 16, 1960, Cyprus formally was removed from British control, and became an independent republic, establishing a representative constitutional government committed to fundamental principles of human rights for all of its citizens. The new country joined the community of free nations of the world, embarking upon an ambitious program of land reform, agricultural growth, and conservation programs.

Throughout its history as an independent state, the Republic of Cyprus has remained committed to the cause of freedom, and has maintained a close and friendly relationship with the United States. The Republic of Cyprus has provided critical logistical support for American troops in the Middle East, and recently, the United States used the country's facilities in the evacuation of wounded marines after the U.S. military compound in Beirut was bombed by terrorists.

Although this 25th anniversary should be a joyous occasion for the people of Cyprus, it is instead one of sadness, for it has been over 11 years since the armed forces of Turkey invaded this small country, occupying nearly 40 percent of the northern part of the island and forcing about 200,000 Greek Cypriots to flee south. There is extensive documented evidence of gross atrocities and crimes committed by the Turks during this invasion, and over 1,500 Greek Cypriots are still missing from this conflict.

Mr. Speaker, today, however, there is hope for a peaceful resolution to this division and occupation by the Turks. Initiatives have been undertaken by the Secretary General of the United Nations, and President Kyprianou of the Republic of Cyprus met earlier this year with the leader of the so-called Turkish Federated State of Cyprus. On this 25th anniversary of the formation of the Republic of Cyprus, let us reaffirm our commitment to this government, and let us hope that the Republic of Cyprus is reunified and returned to its former status as an independent country, whose people are free to determine their own destinies without foreign domination or occupation.

Mr. DYSON. Mr. Speaker, I rise today to commemorate the 25th anniversary of the founding of the Republic of Cyprus.

For the people of Cyprus, this day marks more than a remembrance of things past—it stands also as a symbol of promise and hope for the day when all the inhabitants of this resplendent island can live together in peace and harmony. So on this day, I believe it is appropriate not only to speak of Cyprus' independence, but also to offer a

word of encouragement to those who would bring peace to this troubled land.

As you know, Mr. Speaker, the United Nation's Secretary General Javier Perez de Cuellar has undertaken negotiations with Cyprus President Kyprianou and Mr. Rauf Denktash. It is my heartfelt hope that these discussions will further the cause of friendship among the various peoples of Cyprus, and pave the way to a just and lasting intercommunal peace. Only in this way can the vision of an independent Cyprus—dedicated to the principles of democracy, unity and freedom—be realized for all the island's inhabitants.

Mr. MOORHEAD. Mr. Speaker, I am very glad to participate in today's special order commemorating the 25th anniversary of independence for the Republic of Cyprus and wish to congratulate President Kiprianou. Under normal circumstances, a country's anniversary of independence should be a cause for celebration but the facts are that the Republic of Cyprus remains today a divided island plagued by age-old conflicts. Many problems still stand in the way of peace and reconciliation. We are hopeful, however, that in the near future the island's Greek and Turkish Cypriot communities will be able to work out their differences. We are to commend the U.N. Secretary General, Mr. Perez de Cuellar, for his Cyprus initiative and hope that through his efforts an end to the tensions will be brought about.

Mrs. BOXER. Mr. Speaker, I am proud to have the chance to speak in recognition of the 25th anniversary of the independence of Cyprus. As we approach this anniversary, we are reminded of the illegal occupation of a portion of Cyprus. Unfortunately, this division keeps the sovereign nation of Cyprus from truly celebrating its date of independence.

But there is hope for a peaceful solution between the Greek and Turkish occupants of Cyprus. Thanks to the efforts of U.N. Secretary General Mr. Perez de Cuellar, a draft initiative for Cyprus contains the seeds of hope. The initiative calls for the removal of Turkish troops, and it is aimed at reuniting the island as a federation through U.N.-mediated negotiations.

The Turkish Cypriot leader, Mr. Denktesh, has continued to be inflexible in attempts at a peaceful resolution to the problem. Mr. Denktesh is opposed to the withdrawal of Turkish troops from Cyprus, and his attempts to organize elections or to adopt a new constitution for the occupied zone, could destroy all present hopes for a peaceful resolution.

As we are the major suppliers of arms and technical support for the Turkish military, we must use this influence to persuade Turkey to show more flexibility in negotiating peaceful solutions to the Cyprus problem. Our military assistance to Turkey is provided under the condition that it be used for defensive purposes only. We must take a more responsible stance in insisting that the aid not be used for the offensive military activities that Turkey is now engaged in.

I have previously been a strong supporter of House Resolution 4505, a bill that would terminate our assistance program to Turkey unless action is taken to revoke the illegal declaration of independence of the rump Turkish state of Cyprus. I continue to feel that this is the type of pressure needed by the United States to convince the Turkish Government to be flexible in bringing about the unification of the peoples of Cyprus.

It has been the U.S. policy to support democratic nations. We cannot solve all the problems of Cyprus, but progress on this issue can be made if our Government does what is necessary to encourage Turkey to change its present policies.

Mr. ECKART of Ohio. Mr. Speaker, I wish to commend my friend and distinguished colleague from northeast Ohio for convening this opportunity to discuss the need for constructive change in Cyprus and to reaffirm our support for the citizens of that beleaguered nation.

Today we recognize the 25th anniversary of the independence of the Republic of Cyprus. In so doing, we also recognize the potential for a rebirth in that republic. The people of Cyprus, through patience and compromise, are seeking to achieve a lasting peace and understanding. We must use all of our influences to assist in uniting this land.

In order to accomplish this mission there must be more visible diplomatic attention given to the search for understanding in this region. As my colleagues have stressed, the United States must more actively support United Nation efforts to correct the years of tragic conflict. We can not leave the people of Cyprus split and adrift.

As Turkish Cypriots and Greek Cypriots begin to outline provisions for a fair and equitable constitution and discuss the implications of territorial divisons, let us, at the very least, offer our support and objective assistance in the negotiation process. The U.S. goal in this matter should be to support and persistently pursue peaceful dialog leading to eventual permanent resolution of their grievances.

We have many reasons to be concerned with the outcomes of these deliberations. Their stability is a guard to our military and economic interests in that region. The strength of NATO's southern flank is at question. The political unrest of the entire Middle East can be eased if the Cyprus situation is resolved.

We cannot pretend that this process of negotiation will be easy. It requires substantial patience and compromise from both sides of the table. It also demands our unyielding support and initiative for the task at hand: Peace for Cyprus and for Greece and Turkey. Today, as we look back on the 25 years of the Republic of Cyprus, let us send a message of hope and goodwill for the future of that republic.

Mr. FEIGHAN. Mr. Speaker, we have conducted this special order to reaffirm our commitment to the freedom and independence of Cyprus. Though some differ on the methods, we are united in Congress in our friendship with that nation, and our constant hopes for the renaissance of its true and well-deserved independence. May this anniversary mark not the bitterness of its division, but the courage of its people in their struggle for unity.

## TWO AMERICAN JOURNALISTS INJURED OR KILLED IN AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. RUDD] is recognized for 5 minutes.

Mr. RUDD. Mr. Speaker, information on Afghanistan is scarce, to be sure, because of Soviet censorship. By closing Afghan territory to American television and Western reporters, by imprisoning journalists and others who have entered the country clandestinely, the Soviets have effectively kept the Afghan horror story from being told.

Late last night, Mr. Speaker, wire service reports indicated that two reporters, two American journalists from the Arizona Republic newspaper were injured, and possible killed, while on assignment in Afghanistan.

The two journalists were on a brave, uncertain, and perilous assignment. They were also one of the few sources of information and news we Americans have from that war-torn country.

I regret deeply this news and wish to express my sincerest sympathies to their families and deepest respect to their colleagues. My hopes and prayers are that we soon learn of their whereabouts and fate, and I urge the State Department and other agencies here in Washington and abroad to do everything in their power to quickly learn the correct circumstances surrounding these two men and make efforts for their return to our country.

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## NATIONAL DEFENSE FOUNDATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. BILIRAKIS] is recognized for 20 minutes.

Mr. BILIRAKIS. I thank the Speaker.

Mr. Speaker, in January of this year the NonCommissioned Officers Association of the USA [NCOA] established a new and very unique foundation. It is NCOA's National Defense Foundation [NDF]. It is unique because it is not another big weapons, faster airplanes organization. Rather like its parent NonCommissioned Officers Association, the National Defense Foundation is a people organization. The NDF advocates "peace through strength" but recognizes the strength of our Armed Forces is not measured

exclusively in the number of warheads we stockpile or the number of main battle tanks we field. Rather, the strength of our forces resides in the strength of our men and women in uniform. It is their will and the will of the citizens of the United States to support them which makes this Nation strong. It is the goal of the NDF to develop that will among service members and the public and to promote a better understanding of both military manpower and the military family issues.

I am among the more than 250,000 members of NCOA who support this foundation and its work. Accordingly, I rise today Mr. Speaker, to bring to the attention of my colleagues news of the efforts this fine organization has already begun and to create awareness of its plans for the future.

In the months ahead, the foundation will hold a series of Capitol Hill briefings designed to stress the importance of a strong commitment to the manpower areas of our total defense posture. Those quality of life issues that are receiving long overdue attention by the services will be fully developed for interested representatives and their staff. The issues which will be discussed are those of importance to the men and women of our Armed Forces such as: Military pay, retirement, on and off base housing facilities, medical care, CHAMPUS, education programs, and travel allowances. All of these will be covered in depth along with others which impact on the readiness of the services.

These are important components in the defense of our country. The defense of this Nation centers around our ability to attract and retain the right quality and quantity of personnel and to solicit from them the dedication and esprit de corps necessary to properly defend this country and her allies.

A companion program being developed by NCOA's National Defense Foundation involves educating our college students in the service's manpower areas. An intern program is being initiated to support those students interested in understanding the importance of this component of our total defense.

Additionally, the foundation has undertaken a program to recognize those who have served and are serving in our Nation's Armed Forces. Using direct mail, the association made possible the distribution of more than 6,000 appreciation cards to hospitalized veterans this past Fourth of July. A similar program we hope will be equally successful this coming Veterans Day.

But the real centerpiece of the NDF's activities, Mr. Speaker, is its effort in military voter registration.

The foundation will build around the success NCOA has achieved in assisting our military community stationed across this country and overseas to register and vote. Nonpartisan voter registration drives conducted in conjunction with the Department of Defense will be implemented throughout the military establishment. Operating through NCOA's chapters situated on and near most major defense installations worldwide, the foundation will strive to reach its goal of 1 million new registered voters from our 5 million member military family for the 1986 elections and beyond.

Last year, NCOA assisted in registering over 200,000 military personnel and their dependents. Following the lead set by the Department of Defense, NCOA was an integral part of last year's historic military voter registration drive. For the first time, the number of military personnel and their dependents who registered to vote surpassed the national average. The foundation will continue to focus attention and resources on military voter registration programs.

Working closely with the Department of Defense, the foundation has put together and published the NCOA National Defense Foundation voter registration kit. This kit vastly simplifies the procedure used by our service personnel, their dependents, and our overseas citizens when they register to vote. This group of citizens, some 7.5 million in number, almost all use the Federal postcard application to register to vote absentee. the NCOA voter registration kit instructs them on how to fill out this form for their particular State.

One primary goal of the foundation is to provide this kit free of charge to every base and fleet commander, voting assistance officer, and NCOA trained volunteer worldwide.

Coupled with this registration drive, the foundation will continue its efforts to work with individual State legislatures in an attempt to end the disenfranchisement faced by many service personnel stationed at sea or overseas. In March of this year, the National Defense Foundation sent out over 4,000 letters to State representatives asking them to support legislation allowing greater transit time for their States abentee ballots. I would like the NCOA letter and attached newspaper clippings that deal with this important issue to be included in the RECORD. For too many States still disenfranchise their citizens who vote absentee by mailing out their absentee ballots less than a month before the election. This is inadequate time for the ballot to get to our service community at sea or overseas and back.

Another problem faced by our military and overseas community is the absence of current information about the candidates seeking office. The foundation is developing a communication system linking candidates with potential voters so that both parties come away winners. I have enclosed a list showing the number of potential absentee voters per State. I would ask that this list be entered into the RECORD. These are our constituents and they should not be forgotten.

The number of U.S. representatives and their staff that have service experience is on a sharp decline. This has produced a need to focus on the manpower issues in the same indepth manner provided by our defense weapons systems manufacturers. Both representatives and staff need to be educated on the special concerns and interests of our service community in order to communicate effectively with these constituents.

All of these programs center around our constituents. Their duty assignments take them out of our States for extended periods of time. It is very important that we communicate with them as we do our other constituents so that they know our stands on key issues and how it effects their country, State, and finally themselves. With the help of the Noncommissioned Officers Association and their National Defense Foundation, our service personnel and their dependents will be registering and voting in historic numbers next November. I would like you to join with me in contacting NCOA's National Defense Foundation to further examine the programs they have to offer and to support them in implementing these important programs aimed at assisting our defense community.

THE NATIONAL DEFENSE FOUNDATION OF THE NON COMMISSIONED OFFICERS ASSOCIATION,

*San Antonio, TX.*

DEAR LEGISLATOR: According to a Department of Defense survey, approximately 182,000 military personnel who tried to vote in the 1980 presidential election were unable to do so. They received their absentee ballots too late or not at all. In 1984 an historic number of servicemembers and their dependents registered to vote so the numbers of disenfranchised will be even higher.

The basic problem is that regardless of how early voters apply, many local election officials do not have ballots printed and ready to mail until less than three weeks before the election. As is explained in the enclosed USA Today article, that is simply not enough time for the ballot to make the round-trip if the voter is overseas or at sea. Our Association, along with the American Legion and the Veterans of Foreign Wars, has adopted national resolutions calling upon the states to mail ballots at least 45 days before the election, so that military personnel will have ample time to vote no matter where the service of our country has taken them.

In addition to providing more time for ballot transmission, we are also interested in simplifying the absentee voting process from the point of view of the voter. Since over 80 percent of the service community votes absentee, we are particularly interested in eliminating notarization requirements on the federal post card application. They are a major impediment to some overseas

voters. (See enclosed New York Times article.)

I am writing to ask you to introduce and/or support the necessary reform legislation in your state. Upon request, we can provide specific proposals. There are currently eight states that count absentee ballots arriving up to ten days after the election. This is a possible solution to those states with late primaries that cannot be moved. Every serviceman and dependent needs to know that they can count on a minimum of 35 days for the mail out and return of their ballot.

We recognize that these adjustments may create some inconvenience for state and local election officials. Surely, the necessary adjustments are small in comparison to the importance of making voting rights more than an empty promise to our military personnel overseas. After all, were it not for the sacrifices of military personnel, now and in the past, none of us would have the opportunity to vote in free elections.

Very respectfully,

WALTER W. KRUEGER,
*President.*

[From the Dallas Times Herald, Nov. 13, 1983]

FIGHT WAGED TO GUARANTEE THE RIGHT TO VOTE

(By Jody Powell)

WASHINGTON.—When my home state of Georgia became the first in the nation to give 18-year-olds the right to vote, the rallying cry was, "Old enough to fight, old enough to vote." That was during World War II. Forty years later, 18-year-old can vote in every state of the Union—except for the young people who are most likely to be doing the fighting, those in the armed forces.

States election laws in most of the 50 states can, and do, deprive many Americans who are serving their country of the right to help select its government. The culprit is the way absentee ballots are handled. Most states send them out so late and require them to be returned so early that voting is a practical impossibility for Americans stationed overseas—and some in this country. (That problem also affects business people, tourists, missionaries, diplomats and Peace Corps volunteers. But by far the largest group is military personnel.)

No matter how early one applies for an absentee ballot, in most states election officials do not start mailing them out until three weeks before the election. In 45 states, the marked ballot must be received by polling officials—not just postmarked—by election day.

It's not that anyone set out to disenfranchise Americans in uniform. The rules exist primarily for reasons of convenience, having to do with the date of primaries, ballot certification and petition drives for independent candidates. Nevertheless, the effect is denial of the right to vote.

According to a survey conducted by the Department of Defense, almost 10 percent of those in the armed forces—some 182,000 men and women—who tried to vote in 1980 could not do so. In fact, the number of disenfranchised Americans is probably much higher. The Pentagon survey did not include those who were unaware that their vote was never counted because it was received too late by election officials. Thousands of others may have been discouraged from even making the attempt because of past difficulties. Nor does the Pentagon figure include military dependents.

The number who wanted to vote but couldn't, through no fault of their own, may have exceeded a quarter of a million in 1980. Presidential elections have been decided by fewer votes than that. But that is not really the point. The issue is whether those Americans who put their lives on the line to protect our political freedoms should be given a reasonable opportunity to enjoy them.

Ironically, those who are the victims of discrimination in this case also are barred from seeking redress through traditional channels. Members of the armed forces are legally prohibited from lobbying state legislatures or the Congress.

Fortunately, there is something the rest of us can do. Six states—Texas, California, Connecticut, Indiana, Maine and Tennessee—have taken steps to remove the most grievous barriers. (Georgia, which is one of the worst cases—requiring that absentee ballots not be mailed before 19 days prior to the election—also passed a reform measure; but it was vetoed because of an unrelated rider having to do with public utilities.)

That progress has come largely through the efforts of Samuel Wright, a young lawyer from Arlington, Va., who served as Voting Assistance Lawyer for the Judge Advocate of the Navy from 1977 through 1980. He is recruiting a cadre of volunteers to explain the problem to state legislators and governors and to lobby for reform. Also, he is signing up volunteers to work with local election officials to improve procedures within existing law—work that needs to be done even in states with acceptable legislation. So far, he has some 300 working in several dozen states. But more are needed.

Mr. Wright can provide advice on what changes are needed to make the process work better as well as the names of people already active in a given state. Information is also available to state and local officials through the Federal Voting Assistance Program at the Department of Defense.

With many state legislatures meeting for limited sessions early in the year, the time to start work is now. Nor could there be a more fitting time, with Veterans Day just behind us and scences of young Americans coming home to grieving families fresh in our minds. One would think that this would be a made-to-order cause for vetrans' groups, who can muster considerable political clout and who must surely feel an obligation to those who now wear the uniforms they served in so proudly.

Sam Wright recognizes that the changes he seeks may mean inconvenience for state and local officials as well as some added expense to taxpayers. But, he says:

"These are small accommodations to make to facilitate the enfranchisement of young men and women who are prepared to lay down their lives in defense of our country. Were it not for the sacrifices of military personnel, now and in the past, none of us would have the opportunity to vote in free elections."

And I say "Amen to that."

[From the New York Times, Jan. 3, 1984]

VOTERS OUT OF U.S. HAVE DIFFICULTIES—THOSE LIVING ABROAD MUST FIND A NOTARY AND RETURN BALLOT

WASHINGTON.—An American who is away from home on Election Day must get forms notarized as many as four times to vote as an absentee, a nuisance for visitors to another state, but nearly impossible for those in a remote corner of the world.

An American from Rhode Island, for example, who is doing missionary work in Mozambique in southern Africa has many difficulties. Mozambique stretches more than 1,000 miles north of the capital, Maputo. Four officers as the United States Embassy in the capital are authorized to act as notaries.

So a conscientious Rhode Islander in northern Mozambique would have to make four 1,000-mile trips to Maputo.

Ursula Shears, who is in charge of voting issues in Washington for a group called Democrats Abroad, said of Rhode Island's rules: "You have to take an oath when you send in the Federal post card asking for a ballot, again when you send in a State form that does the same thing, a third time when you register and a fourth time for the ballot itself."

4 MILLION TO 5 MILLION ELIGIBLE

Henry Valentino, head of the Federal Voting Assistance Program, estimated that four million to five million Americans in other countries are eligible to vote, a source of support that candidates hardly tap. About two million are in the armed forces, stationed from Iceland to the South Pacific, and on ships at sea. Two and a half million to three million are civilians who have retired, or belong to service families, or have jobs that keep them away from home, or happen to be traveling on Election Day.

Many are United States citizens born in Italy, Greece, Poland, Yugoslavia and other places who have gone back to the old country, where they can live better on a Social Security pension than in America. Some are commuters from Canada and Mexico, the countries that have the most United States citizens in residence.

For most, the source of voting difficulties is back home. Four notarizations are required by only Rhode Island, but several states require two or three.

TIMING IS MAIN PROBLEM

Mr. Valentino said the main problem was that many states waited until 20 days before Election Day to mail out ballots and required them back by Election Day, which is not enough time to accommodate slow postal service in many parts of the world. Mr. Valentino favors a period of 40 or 45 days.

He estimated that outside the armed forces only 34 percent of those eligible who were abroad even tried to vote in 1980, compared with nearly 54 percent in the country as a whole.

American Citizens Abroad, a nonpartisan organization based in Geneva, ran a survey to find out why. Many citizens said they did not know they were eligible. Some also feared that voting might make them more likely to be asked for state taxes, since each vote in the Presidential election must be counted in a particular state.

Democrats Abroad and Republicans Abroad both arrange for voters to participate in primary elections, choosing delegates to their respective national conventions.

The Democratic delegates will have the right to vote in the convention, which chooses the candidates and drafts a platform. Democrats Abroad will elect delegates by mail and these, with officers of the group, will have five votes among the 3,933. Another group called Latin American Democrats, most of them from the Panama Canal area, will have five votes. Their delegates will be chosen by caucus on March 17.

The Republicans so chosen will have no vote at the 1984 convention.

[From USA Today, Sept. 14, 1984]

SUB DUTY SINKS OREGON MAN'S VOTE

(By Frank Zoretich and Timothy Kenny)

SEATTLE.—A submariner's hopes of voting in the Nov. 6 presidential election have been torpedoed by Oregon's absentee ballot laws.

The problem for Michael Schenatzki, a 31-year-old Aloha, Ore., resident stationed in Bangor, Wash.: He has gone to sea aboard a nuclear-powered submarine, which can stay out to sea up to 70 days. And Oregon won't print its ballots until next month.

"It's frustrating, not being permitted to vote by absentee ballot," Schenatzki said before his departure. "This is a very important election because the viewpoints of the candidates are so different."

About 180,000 service men and women—9 percent of the USA's 2 million service men and women—couldn't vote in the last election because of problems like Schenatzki's.

But federal officials expect fewer voting problems this year for the USA's 2 million service men and women.

Washington, Georgia, Connecticut, Maine, and California now have "submarine ballots" that can be issued 90 days in advance of elections for service personnel.

STATE RESIDENCE OF MILITARY MEMBERS, DEPENDENTS, OVERSEAS CITIZENS

| State or territory | Military members' tax withheld, legal residence | Members' total State tax withheld [1] | Dependents [2] | Nonmilitary overseas citizens [3] |
|---|---|---|---|---|
| Alabama | 49,299 | $12,570,695 | 36,974 | 40,229 |
| Alaska | 6,075 | 0 | 4,556 | 5,747 |
| Arkansas | 27,937 | 3,186,370 | 20,953 | 22,988 |
| Arizona | 28,882 | 0 | 21,662 | 28,735 |
| California | 179,418 | 17,211,205 | 134,564 | 258,615 |
| Colorado | 28,028 | 7,789,201 | 21,061 | 34,482 |
| Connecticut | 29,290 | 0 | 21,968 | 34,482 |
| Delaware | 6,418 | 2,480,942 | 4,814 | 5,747 |
| District of Columbia | 6,300 | 2,663,642 | 4,725 | 5,747 |
| Florida | 181,824 | 0 | 136,368 | 109,193 |
| Georgia | 66,597 | 17,773,530 | 49,948 | 57,470 |
| Hawaii | 11,349 | 5,857,185 | 8,512 | 11,494 |
| Idaho | 9,533 | 710,440 | 7,150 | 11,494 |
| Illinois | 94,327 | 0 | 70,745 | 126,434 |
| Indiana | 53,181 | 7,062,816 | 39,886 | 57,470 |
| Iowa | 26,018 | 6,655,564 | 19,514 | 34,482 |
| Kansas | 18,840 | 4,747,007 | 14,130 | 28,735 |
| Kentucky | 31,385 | 8,513,806 | 23,539 | 40,229 |
| Louisiana | 36,779 | 4,566,829 | 27,584 | 45,976 |
| Maine | 16,110 | 3,987,069 | 12,083 | 11,494 |
| Maryland | 39,692 | 12,281,860 | 29,769 | 45,976 |
| Massachusetts | 39,732 | 12,925,707 | 29,799 | 63,217 |
| Michigan | 92,566 | 0 | 69,425 | 103,446 |
| Minnesota | 32,385 | 3,644,310 | 24,289 | 45,976 |
| Mississippi | 28,872 | 3,899,627 | 21,654 | 28,735 |
| Missouri | 42,536 | 0 | 31,902 | 51,723 |
| Montana | 9,184 | 0 | 6,888 | 11,494 |
| Nebraska | 14,197 | 3,005,416 | 10,648 | 17,241 |
| Nevada | 9,758 | 0 | 7,319 | 11,494 |
| New Hampshire | 13,875 | 0 | 10,406 | 11,494 |
| New Jersey | 54,247 | 6,462,861 | 40,685 | 80,458 |
| New Mexico | 17,117 | 1,657,162 | 12,838 | 17,241 |
| New York | 137,843 | 24,536,059 | 103,382 | 195,398 |
| North Carolina | 65,783 | 26,426,788 | 49,337 | 63,217 |
| North Dakota | 6,886 | 0 | 5,165 | 5,747 |
| Ohio | 111,151 | 12,459,166 | 83,363 | 120,687 |
| Oklahoma | 24,896 | 4,164,259 | 18,672 | 34,482 |
| Oregon | 27,416 | 5,868,993 | 20,562 | 28,735 |
| Pennsylvania | 94,445 | 2,186,359 | 70,834 | 132,181 |
| Rhode Island | 8,296 | 2,386,918 | 6,222 | 11,494 |
| South Carolina | 41,236 | 15,743,371 | 30,927 | 34,482 |
| South Dakota | 9,209 | 0 | 6,907 | 5,747 |
| Tennessee | 57,381 | 0 | 43,036 | 51,723 |
| Texas | 210,509 | 0 | 157,882 | 155,169 |
| Utah | 8,013 | 2,363,602 | 6,010 | 17,241 |
| Vermont | 6,939 | 0 | 5,204 | 5,747 |
| Virginia | 59,315 | 23,667,888 | 44,486 | 57,470 |
| Virgin Islands | 370 | 0 | 278 | 365 |
| Washington | 53,650 | 0 | 40,238 | 45,976 |
| West Virginia | 20,540 | 0 | 15,405 | 22,988 |
| Wisconsin | 35,313 | 9,618,392 | 26,485 | 51,723 |
| Wyoming | 4,825 | 0 | 3,619 | 5,747 |
| Guam | 3,038 | 0 | 2,279 | 2,885 |
| Puerto Rico | 4,812 | 0 | 3,609 | 5,550 |
| Foreign | 15,786 | 0 | 11,840 | 15,200 |
| Trust Territories | 164 | 0 | 123 | 154 |
| Samoa | 480 | 0 | 360 | 365 |
| Nondesignated | 10,028 | 0 | 7,521 | 8,550 |
| Total | 2,320,075 | 279,075,039 | 1,740,104 | 2,538,761 |

[1] Tax withheld is for military members only.
[2] Dependents—Military members multiplied by .75.
[3] Overseas citizens—Derived by multiplying factor 5747 by number of state congressional representative.

## THE LEGACY OF WALTER HARRISON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. FOWLER] is recognized for 60 minutes.

Mr. FOWLER. Mr. Speaker, today the Georgia delegation joins together to celebrate the memory of one of our State's most dynamic leaders for over 60 years, Walter W. Harrison, of Millen. Born on September 30, 1899, Walter Harrison would have celebrated his 86th birthday yesterday. During his life, Mr. Harrison served as a catalyst for measures to improve the lives of rural people, and in public life had a record of service few have equaled. It is with a great sense of personal loss that we come together to mourn his passing, but in remembering his life we renew our dedication to the principles of public service for which he was so well known.

Around Millen, a lot of folks had a saying, "If you want a job done, get Walter Harrison on it." That only half-joking remark captured the essence of his drive to accomplish tasks that seemed beyond the reach of normal men and women. To someone growing up in Jenkins County or in another rural area of Georgia, it was hard to imagine that your farm might one day have electric light, or a telephone, or a mighty dam might be built on a nearby river, or that a marketing association might be formed to help you get better prices for your produce. Those and many other unthinkable things became a reality through the work of the man we remember today, "Uncle Walter."

Walter Harrison was an orphan who was raised by Miss Essie Harrison and lived almost all of his life in Millen, GA. Miss Essie owned a dress shop there and was one of the old style, great Southern ladies. She instilled in Walter the two characteristics for which he was best known, his faith in God and his dedication to improving the lives of others. While Uncle Walter never married, he fulfilled his longing for family by taking everyone in Millen as his own. They became his family and his love for them was a strong as any father's for his children.

Today, if you were to walk around Millen and ask about Walter Harrison, you would hear people say, "Uncle Walter helped me go to ABAC," the local college, or "he paid my way through secretarial school," Helping people better themselves is part of the legacy of Walter Harrison and in doing so he never sang his own deeds. It was always quietly done.

To those of us in public office, his record of service is enviable. For 20 years he served as mayor of Millen, 2 years as councilman, 6 years as county commissioner, 8 years in the Georgia State Senate and 12 years in the State house of representatives. But that was not enough to keep Uncle Walter busy.

He was a leader in efforts to establish and maintain a rural electric program after he joined the Planters EMC board of directors on September 14, 1937. He was in the forefront of the pioneering group who signed up co-op members at the start, and led the co-op as president of the board during the critical startup years from 1939 to 1950. In total, he served on the board for over 47 years, 18 as president. As an early leader in statewide REA organization, he was vice president of the Georgia statewide organization from 1942 to 1944, president from 1944 to 1947, and general manager from 1950 to 1974. During this time he became a director on the National Rural Electric Cooperative Association Board for 31 years, its president in 1959-60, and upon retirement was named "Board Member Emeritus." Still this was not enough to keep Walter Harrison busy.

He was a pioneer in the formation of the Planters Rural Telephone Cooperative in 1950, the first of four to be organized in Georgia. In 1974, he played a prominent role in forming Oglethorpe Power Corp., a generation and transmission cooperative supplying power to 39 Georgia electric cooperatives. He was a veteran of World War I, a member of Millen United Methodist Church for 62 years, was active in the chamber of commerce and the Rotary Club which was world renowned for its consecutive 100 percent attendance during the time he was president. He was the owner and publisher of the Millen News, active in water project development in the Central Savannah River Area which helped bring Federal power to electric cooperatives at tremendous savings, was inducted this year in the Cooperative League's Hall of Fame and most recently, was officially designated "Mr. Rural Electrification in Georgia" by Governor Joe Frank Harris.

These deeds and achievements are only a part of the rich legacy Walter Harrison has left us. His life will be recorded not only in the history books but in our hearts as well.

I include several articles on Mr. Harrison for your perusal.

The articles follow:

[From Rural Electrification, September 1985]

"UNCLE WALTER'S" LEGACY

(By Bob Bergland, Executive Vice President and General Manager)

When Walter Harrison died the morning of August 3, he left a rich legacy of more than 48 years as a leader in this program, and more than a half-century of tireless

effort to improve the quality of life for all rural Americans. His life, which lasted a month shy of 86 years, was a celebration of success.

I had known "Uncle Walter," as so many of his friends and admirers called him, by reputation long before I met him. He was a legend and an institution. A walk with him through downtown Atlanta was like going to a family reunion. Everyone seemed to know the man from Millen, whose work in rural electrification, soil conservation, the Methodist Church and a variety of other civic causes had touched the lives of people in so many communities.

Only 1 percent of the farms in Georgia were electrified when Walter spearheaded the organization of Planters EMC, his home co-op, where he served on the board for 47 years. He helped to organize Georgia statewide and served as its manager for 25 years. In 1947, Walter was elected to NRECA's board of directors, rose to the presidency in 1960 and was re-elected to that position the following year. He represented Georgia on the NRECA board until 1979, when he left by choice and was succeeded by Hubert Hancock. But the board installed him as "director emeritus," and he served in that capacity until he passed away.

Walter was one of the most gifted public speakers I have ever heard. He had all the talents and attributes necessary to carry him to the heights of politics, which he loved. He served as the mayor of his hometown for many years, as well as 20 years in the Georgia legislature, 12 in the House of Representatives and eight in the Senate. I can't help but think that politicians in Georgia must have been constantly looking over their shoulders, wondering if and when Walter would run for governor.

A few years ago, the state of Georgia selected a few of its most prominent citizens for filming what it called its "Great Georgian" series. Walter Harrison was one of those.

Around NRECA and elsewhere, stories of Walter Harrison are legion. Typical is one from the 1975 NRECA annual meeting in New Orleans which demonstrates his ability to rise to a chance occasion. It was Tuesday, and the general session program had reached the high point of the morning—a panel discussion on the nation's energy problems. As the group prepared to go on stage, the key panelist was missing. Frantic checking yielded the knowledge that he was somewhere enroute from the airport, his arrival would be delayed by 15 or 20 minutes. What to do? With lunchtime approaching, how could the audience be held?

The answer was to call on Walter Harrison. As those who were there fondly remember, Walter strode to the podium and at his eloquent best quieted the crowd with a speech that sounded as if he had worked on it for days. A humorous footnote to this incident, I'm told, is that at one point Walter thought that the man had arrived and began to end his speech, only to be told, "Go on! Go on!" and he picked it right up without missing a beat.

There were two events that Walter wanted to participate in before he died. One was the 50th anniversary of REA celebration at Warm Springs last May, and the other was the dedication of the Richard B. Russell Dam, formerly known as Trotters Shoals. That dedication will take place this month. He worked for more than a decade to get that project on the Savannah River authorized. Its power will mean a great deal to the co-ops of Georgia and states in that power marketing area.

Walter Harrison never quit fighting and working for the rural electrification program and the people in rural America. That is his legacy.

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GEORGIA LEADER DIES

Walter Harrison died, Saturday, Aug. 3 at his home here. He was born in Millen on Sept. 30, 1899.

At the time of his death, he was serving as director emeritus on NRECA's board, the only person to have held that title. He served two terms as president of NRECA. He led in the establishment of local, state and national rural electric programs, serving on the board of Planters EMC, Millen, for 47 years.

He served as Mayor of Millen for 20 years, editor of the Millen News for 30 years, county commissioner for eight years, state representative for 12 years and state senator for eight years.

He played a major role in marshaling the rural electric forces of three states in behalf of Federal development of the Savannah River. He was especially effective in obtaining authorization and funding for the Richard Russell Dam and Lake at Trotters Shoals, which will be dedicated at ceremonies Sept. 7.

He helped organize the Georgia statewide rural electric organization and served as its general manager for 25 years. He founded the Rural Electric Minuteman program in 1959, which resulted in the organization of citizens groups throughout the United States and the establishment of the RE Newsletter to keep them informed.

He was inducted into the Cooperative League's Hall of Fame on April 30. Governor Joe Frank Harris of Georgia officially designated him, "Mr. Rural Electrification in Georgia."

Famed as an orator, Harrison was a popular speaker before rural electric audiences and Methodist Church groups.

Sparing with "ratepayers' money," Harrison nevertheless was often a persuasive spokesmen on the NRECA board and at annual meetings in getting financial support for strong information, legislative and rural development programs.

A cheerful and forgiving man, expansive of gesture and fluid of speech, he would make his drop-ins brief and end them with a hand salute: "You're a great American," he would say, and be off.

The Wednesday before his death, he was taken on a stretcher to the dedication of the "Walter Harrison Exhibit Room" of the old Freight Depot Museum in Millen, where, it was said, he made a great speech.

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[From the Millen News, Aug. 8, 1985]

WALTER WADE HARRISON—1899-1985

Walter W. Harrison, 85, editor of the Millen News since 1946, died at his residence early Saturday morning August 3, after a short illness. He was a native and lifelong resident of Jenkins County.

He was active in the Rural Electrification Program and was the leader in the establishment of the Planters Electric Membership Corporation in Jenkins County in 1937. He was a member in the forefront of the Pioneering Group who signed up co-op members at the start. He led the co-op as president of the board during the critical start-up years from 1939 to 1950. He served as a member of the board for 47 years and as president 18 of those years.

He was a pioneer in the formation of the Rural Telephone Cooperative and sponsored the Rural Telephone Act in the Georgia Senate in 1950. He served as president of the Rural Telephone Cooperative in Jenkins County for four years.

He was active in related organizations which included all segments of the electrical industry. He served as chairman of the Farm Electrification Council. He was active in the Georgia Electric Membership Cooperation and he served as president from 1950 to 1975. He was currently serving on the Georgia Electric Membership Cooperation Board representing his local co-op. He served for 31 years as a member of the board of directors of NRECA, and was president for two years and at the time of death was a board member emeritus, the only person to hold such a position in the NRECA.

In the political area in Jenkins County he served 20 years as mayor of Millen, two years as councilman, six years as county commissioner, eight years as a member of the Georgia State Senate and 12 years as a member of the House of Representatives.

He promoted the dairy industry in Jenkins County and was instrumental in the formation of the Ogeechee Valley Cheese Plant which helped expand the dairy industry to the position of one of the largest dairy counties in the state.

He was not only interested in promoting the economic position of his home county but was one of the founders of the Central Savannah River Area Planning and Development Commission which served 13 counties in southeast Georgia. He served as president of the commission and at the time of his death was still a longtime member of the board of directors.

Another accomplishment of which Mr. Harrison was most proud was his involvement in the chartering of the Ogeechee Valley Bank. He had served as the Chairman of the Board of Directors since its beginning and held this position at the time of his death.

He was also instrumental in bringing the public and private Electric Utility Leadership into a closer working relationship thus promoting general use of electricity throughout the nation. He was honored in 1975 with the Silver Switch Award in appreciation of his work in the field of Rural Electrification. He also received a Certificate of Appreciation from REA in Washington along with a Distinguished Service Award from NRECA and was the first director of the organization to be so recognized.

Because of his general interest in rural development and especially agri-business, he was awarded the "Distinguished Agri-Business Award" from the Georgia Agri-Business Council He also received a plaque in recognition of his services to the Oglethorpe Power Cooperation, the wholesale supplier of electricity in 39 rural cooperatives in Georgia.

He was a member of the Millen United Methodist Church for 62 years and was still on the administrative council and up to the time of his illness taught the Sunday school class. He was an active member of the Millen Rotary club of which he served as president and a member of the board of directors for many years.

In addition to his many accomplishments, Mr. Harrison devoted his entire life to those things that would make his hometown a better place to live.

His most recent award was from the board of directors of the Cooperative League of the USA when he was inducted into the Cooperative Hall of Fame which was established in 1974 and is maintained by the Co-

operative League to honor those whose lifelong contributions to the Cooperatives have been truly heroic. He received this award on April 3.

Another recent award was made to Mr. Harrison during the 50th Anniversary celebration of the Rural Electrification program held at the Little White House in Warm Springs, Georgia, on May 11th of this year. At this time Governor Joe Frank Harris presented Mr. Harrison with a plaque proclaiming him as "Mr. Rural Electrification of Georgia". The last honor bestowed upon Mr. Harrison was on July 20th, when the Jenkins County Historical Association dedicated the exhibit hall at the Olde Freight Depot Museum as "The Harrison Room."

An indication of the high esteem in which Mr. Harrison was held was the overflow crowd at the Millen United Methodist Church for his funeral. The church was filled not only with local residents, but a host of people who traveled long distances, from throughout the nation and state to pay their last respects to Walter Harrison.

The funeral services were held at the Millen United Methodist Church at 2 p.m. on Monday with the Reverend Charles Conway and the Reverend Clyde Harvard officiating. His body lay in state at the church for two hours prior to the funeral services. Burial was in the Millen Cemetery.

Pallbearers were Bob Tanner, Joe Tanner, G. B. Sasser, Gordon Sasser, Ellis Lovett, and Frank Edenfield.

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[From the Savannah Morning News]

WALTER W. HARRISON

Light and enlightenment were the chief commodities Walter W. Harrison had to offer his friends and neighbors in Jenkins County. His death at age 85 in Millen Saturday prompted recollections of his yeoman service.

As editor of The Millen News, he enlightened through his weekly newspaper. But he was not content to remain the county sage and merely report on the passing parade in his corner of the world. Whenever he saw a need, he made things happen to fulfill that need.

He thus was an activist as well as an editor. He took the lead in rural electrification, and helped to establish one of the first of Georgia's many cooperatives that would cause the electric light to supplant the kerosene lamp and in other ways improve with electrical energy the quality of life in rural areas.

Similarly, Mr. Harrison led the way for a telephone cooperative. He was in the forefront of movements to improve dairy farming and other agricultural activities. He used his newspaper to promote such progress, and he broadened his leadership by taking active roles on Millen's council as mayor and as an alderman, on the Jenkins County Commission, and in the General Assembly. Not much went on in Millen and environs that didn't involve Mr. Harrison.

Walter Harrison many times was recognized publicly for his leadership. His death affords a final opportunity to express gratitude to one who gave service above and beyond the call of duty to so many and in so many different ways.

□ 1950

Mr. FOWLER. Mr. Chairman, I yield to my distinguished colleague, the gentleman from the First Congressional District of Georgia [Mr. THOMAS].

Mr. THOMAS of Georgia. I thank my colleague for yielding.

Mr. Speaker, it is an honor for me to join with the many friends of Walter Harrison in this tribute. This is a very special time for me because Mr. Harrison was a resident of Millen, GA, in my congressional district, and he was a wonderful friend and a trusted counselor to me for a number of years.

The death of Colonel Harrison, as many of us called him, was an event that means many things to me personally.

On one hand, it marked the loss of a light of leadership that we had all come to depend on for decades. It was a sad and tragic loss for our State and our Nation.

But from another perspective, his passing has led me and many others to reflect on, and celebrate, the joy that comes from the life of a man who gave much more than he took. That is the heart and soul of Walter Harrison—a man who dedicated himself to public service in the highest and finest sense of the word.

I often dropped by to visit Mr. Harrison in his office at the Millen News, the paper that he loved and edited for years. His desk was always cluttered with the materials of his latest projects and latest battles, and his walls were covered with the awards and tributes of past accomplishments.

In the space of a few moments, Mr. Harrison would make you at home with his booming and resonant voice of welcome, have you in a chair, and launch into questions and statements about issues ranging from outer space to historic renovation. He had that special spark of enthusiasm that even at age 85 allowed him to take a listener and transform that person into a partner—a partner in his latest project for the public good.

I left the House floor just a few months ago to go downtown here in Washington to celebrate with Colonel Harrison when he was inducted into the Cooperative League of the USA Hall of Fame in recognition of his work in behalf of rural electrification. I drove to his home in Millen this past May to visit with him during his illness, and he was a man facing that illness with characteristic courage. He turned aside questions about his physical condition and instead was full of questions and comments of his own about the many issues in which he was still involved.

The work of Colonel Harrison in regard to electric power is legendary, and the public record of his life will show that he was the pioneer who had the insight and skill to make the dream of universal electric service a reality in my State.

It is hard to imagine a Georgia or an America today that was ever without electricity, and yet that was just the situation for most of the land area of my State at about the time of my birth. It took men like Walter Harrison to recognize that affordable electric power was the foundation of any effort to pull rural America from economic stagnation, and it took men like Walter Harrison to turn what was a dream into a reality.

I will not dwell on Mr. Harrison's accomplishments regarding rural electrification because that is well established in the public record. But we should take special note that he had the vision to select the great issue of his day as the goal of his professional life, and we should remember that he developed a remarkable array of skills to accomplish his goal.

I say that because Colonel Harrison was a man who combined the toughness of a drill sergeant with the speaking skills of a great preacher, and a heart as big as the Nation he loved. He was a soft touch for anyone in need, and he responded to every appeal for assistance with a worthy cause.

For any normal man, Colonel Harrison's work with rural electrification would have left no time for other affairs, but that was not his nature. He was a tireless servant to the public and was elected to just about every office he ever cared to hold, from councilman and mayor to State senator. He was a renaissance man of rural America.

Mr. Speaker, with the death of Walter Harrison, our Nation has lost a dynamic leader, and I have lost a treasured friend.

Our tributes to him are from our hearts, but no matter what words of honor we may speak, none can do him greater tribute than the monuments of accomplishment that he fashioned with his own deeds. We take comfort in the fact that his accomplishments will stand strong and tall long after we in this Chamber are gone.

It was a privilege for me to know Walter Harrison. It was an honor to count him as a friend. He brought the light of electric power to generations of Americans, but more importantly, he taught us that the light within ourselves is more powerful than any obstacle to a worthwhile goal.

May God bless that great man and may God comfort his family and hometown friends.

I would like to conclude my remarks by inserting into the RECORD the comments of a man who knew and loved Walter Harrison for many, many years. He is Mr. Frank Edenfield, the publisher of the Millen News a man with great insight into his beloved city of Millen and rural Georgia. The following editorial, which was published in the Millen newspaper on August 15 of this year, is the finest testament I have seen to one of the finest men I have ever known:

[From the Millen News, Aug. 15, 1985]

WALTER HARRISON AS I KNEW HIM

(By Frank M. Edenfield)

On Saturday morning, August 3rd 1985, I lost a lifetime friend with the death of Walter Harrison. In addition to being a friend, Walter and I had been partners in the Millen News for nearly forty years, he serving as Editor and I, as Publisher. Needless to say this was a shock to me, even though Walter had lived to the ripe old age of eighty-five.

As is sometimes the case in these kind of circumstances, when the initial shock has worn away your mind begins to wander and reminisce. This is exactly what happened to me.

The thought came to me that most of Walter's achievements on the State and National level had been chronicled in the press of the state and nation. However, little, was said about the impact that his life had on this community other than to state that he had devoted his entire life to serving.

As I began reminiscing I made a memory trip through Millen trying to recall those things which Walter had participated in which made a large contribution to the progress of this community. I began jotting down those things which I could remember, and I realize the list is far from being complete, however, I would like to share with you some of the things which I remembered about Walter Harrison. These events are not in chronological order nor are they remembered in the magnitude of their importance.

My starting place was down Cotton Avenue and I immediately came upon The Olde Freight Depot Museum which would not be in existence today had it not been for Walter. Then as I approached the Chamber of Commerce office I recalled that Walter had been the first Secretary of the Jenkins County Chamber of Commerce when he was a young man, serving for years with no pay. Across the street was the Pal Theater which he had struggled to keep in existence for years believing it was a focal point for the youth of our community for entertainment.

As I passed the railroad station I could not help but remember the fact that Walter had been an express agent for the railroad and that throughout the years he had done battle with the railroad each time they sought to discontinue a passenger train that served Millen and this area of the state. The railroad won this battle but Walter prolonged the victory.

Then as I turned on South Gray Street, I saw the recreation facility just beyond Edenfield Feed and Seed store and remember that it was Walter who first secured a lease from the Central of Georgia Railway for this property to be used for recreational purposes. I could not help but remember the many football and baseball games which youth of our community have played on this field and the construction of a grandstand in order that Millen might compete in the long forgotten Million Dollar League and later the Georgia-Carolina baseball league. This site was also used as the location for the annual Jenkins County Fair which was held for many years.

Continuing South on Gray Street, I passed the Bethany Home and recalled the part Walter played in getting Dr. Cleveland Thompson to sell his hospital to the Bethany Home interest for the establishment of their facilities here. I rode through the Myers Hill section of our community and remembered that the first development in this section was brought about through the efforts of Walter Harrison and Wiley Wasden. Walter's foresight in placing city utilities was the beginning of the development for this section of the city.

Then as I rode by the modern recreation complex I could not help but remember that the land upon which this facility is situated was first bought by Walter Harrison and then sold to the city at no profit to be used for the purpose that it is now being put to.

As I drove on Highway 25 I could not help but recall his efforts in cooperation with another pioneer citizen of our community, Ernest Daniel, in securing the bridge across the Ogeechee River. Also, he was largely responsible for the securing of improvements on Highway 25 which included the overpass.

Continuing on up Highway 25 I turned west on Highway 17 and recalled the part Walter played in establishing the development of Lincoln Park in its beginning and also his efforts in the development of the Foggy Field area.

As I rode past Thomson Company I remembered that Walter, almost single handed, was responsible for establishing this industry in Millen which has resulted in the employment of hundreds throughout the years and has made such a tremendous contribution to the economic security of our community.

As I rode along the northern city limits of Millen I saw the magnificent building which houses Jockey International and could not help but recall the part Walter played in securing this industry which was originally housed on Daniel Street in a remodeled cotton warehouse and then the expansion in that area to cover almost a block before the move to its present location.

As I rode by the Millen Community House I remembered as a young teenager going to school when this site was often a big pond during the rainy season and that Walter had the foresight to use WPA labor to have it drained and filled in and later taking advantage of WPA labor for the construction of the beautiful Community House.

As I passed the Millen United Methodist Church I remember how unselfishly Walter had given of his time and talents and probably his finances to bring about many of the improvements to his church.

Youth, Inc. was another of his dreams. He believed the youth of the community needed a center for good clean recreation and convinced a number of other local citizens who had the same desire to join him in building this building and developing the facilities there.

Another dream of Walter's which became a reality was the establishment of the Ogeechee Valley Cheese Plant as a means of providing additional income for the hard pressed farmers of our area. The cheese plant failed but in so doing it marked the beginning of the gigantic dairy industry for Jenkins County.

I remember the part he played in first influencing the owners and managers of Brigadier Industries to bring their mobile home plant to Millen which has grown into one of the major industries located in our community. Also, the part he played in bringing Ravenwood, a manufacturer of furniture, to Millen. This too failed but it was most beneficial to the community while it was in existence.

While Walter was not directly involved in the movement of Look Products, which later became known as Rusco Industries, to Millen, he was one of its biggest supporters and assisted them in every possible way since their move to Millen.

Walter was also the father of the development in the Knox Homes section of our community. He did this by convincing the Knox Brothers of Thomson, Georgia, to develop the area and sell the homes to local citizens on a long term, low interest, rate plan.

The three housing projects which are now in existence in Millen are also another of his ideas on which he spent many hours getting Federal Approval for the projects.

The old City Hall on Gray Street was another of Walter's accomplishments. This was built during the WPA days at little cost to the local taxpayers. I cannot help but recall his pride at having Millen's first fire truck. This was a homemade affair but at the time it was a great improvement over the fire fighting equipment being used by the City. This fire truck, by the way, is still in existence and is in the custody of the local Shrine Club.

Walter was very sentimental about the historic structures in our community, particularly the Hotel Estelle. He was largely responsible for its preservation to this date.

Another dream that he pursued and lived to see fulfilled was the chartering of the Ogeechee Valley Bank. He pursued this for many years because he firmly believed that an additional bank would tend to improve the economic condition of our city and county.

He was also at the forefront of the establishment and construction of the Jenkins County Memorial Library and the Jenkins County Health Center.

Walter firmly believed that the various communities of our county could be served better if each area had a central meeting place and he spearheaded drives in each of these communities which resulted in the building of community houses in several different sections of the county. He was saddened by the fact that most of these are no longer being used.

Another of his outstanding accomplishments was the part he played in the establishment of Magnolia Spring State Park and the Federal Fish Hatchery. This was a long term dream of Walter's which began when he was able to get a CCC camp located in the area during the depression years. This camp provided the manpower to start the development of these areas.

Another historical landmark which is still preserved today as Big Buckhead Church. This was almost a one man endeavor by Walter, however, from time to time he was able to influence others to join him in the venture.

Walter undoubtedly had a crystal ball that he consulted with from time to time, for many, many years ago when serving as Mayor of the City of Millen he was successful in getting the city fathers to purchase the land which now is being used at the Millen Cemetery. Few believed that Millen would ever need this amount of space but time has proved otherwise.

Throughout all of Walter's public life he believed that the way to expand a community was to improve its facilities and there is no way of telling how many hours, days, months or years that he spent seeking ways to pave the streets within the city and the extension of water and sewer facilities of the city into remote areas. Time has proved that he was correct because most of those remote areas are now residential areas of the city.

Another thing Walter loved was the youth of this community and there is no way of telling or knowing how many of our local

youth he has assisted in so many ways, from giving them a few dollars to spend at summer camp to helping them arrange some means of attending college to further their education. I was privileged to know some of those but Walter chose to keep them a secret and this secret died with Walter Harrison.

I believe to sum it up Walter loved first his church, then his community, the development of the Rural Electrification Program, not only in Jenkins County but throughout the State and Nation, and the Millen News.

As I drove along the city limits of Millen I could not help but observe the telephone and electric lines which extend out into the rural areas of Jenkins County, remembering that most of this would not have been accomplished without the part played by Walter Harrison.

My personal loss is more than I can put into words, because throughout the many years of association I have sought his advice and counsel on numerous occasions and I value this very much. I will not attempt to elaborate on this other than to say he had a lasting influence in my life and had it not been for the partnership which we formed some forty years ago with a handshake standing on the corner of Winthrope and Gray Streets, I am sure that I would not be in the position to write the comments that I have listed above. To say that I shall miss him would be the understatement of the century, for I shall always cherish the memories I have of him.

I hope as you read the above you will allow your mind to reminisce back through the years and remember the impact this man had on this community. I know that I have omitted many things that he was associated with but I believe this contains many of the highlights.

I guess all of the above could be summed up by a joke which I heard Lewis Grizzard, who writes a daily column for the Atlanta newspaper, use in a speech. The story goes like this "If you are a member of a dog sled team, the scenery would remain the same unless you were the lead dog". In my opinion, Walter Harrison was the "lead dog" in this community. The scenery has changed quite a bit during these years and he was responsible for much of this change.

Mr. FOWLER. I thank the gentleman for his comments.

Mr. BARNARD. Mr. Speaker, it is my pleasure to join with my distinguished colleagues from the State of Georgia in honoring Mr. Walter Harrison, affectionately known as "Mr. Rural Electrification."

Mr. Harrison nurtured the growth of rural electrification from its infancy in 1936 through the next five decades, and was instrumental in bringing electricity for the first time to rural areas in Georgia and throughout the United States.

Through Mr. Harrison's efforts, farms in our state were belatedly introduced to the 20th century, and he devoted a great deal of time to bring not only the benefits of electrical power to these areas, but the advantages of telephone communication as well.

In addition to the good works he performed on behalf of rural electrification, Mr. Harrison gave generously of his time through nearly 50 years of public service—including two decades as mayor of his hometown of Millen, and an equal number of years in the Georgia General Assembly.

Mr. Harrison was involved on a civic level, too, in Millen and surrounding Jenkins County. From volunteering many years to his church to serving as editor of the local newspaper, he obviously was an active participant in all his endeavors.

Mr. Harrison's legacy lives on in many ways: in the educational opportunities he provided by helping young people go to college, in the good deeds he performed through many organizational boards on which he served, and especially in his tireless work on behalf of rural electrification, which has been responsible for great strides not only in Georgia but throughout our Nation. I am privileged to join in saluting him today for the many years of service he gave, from which we all continue to benefit immeasurably.

Mr. RAY. Mr. Speaker, I want to thank my colleague, Congressman FOWLER, for allowing me this moment to pay tribute to Walter Harrison, a man who was known throughout Georgia for his commitment to bettering the lives of the people in our State and in his community.

Walter Harrison will be remembered for his early commitment to the challenge of bringing electricity to rural Georgia. Although we take it for granted now, in 1937 electricity seemed like a dream to people in most parts of rural Georgia. Walter Harrison wanted to make that dream a reality, and he dedicated his life to pursuit of that goal.

With his help, the Planters Electric Membership Cooperative was formed and he served as the president of the board from 1939 to 1950. During those early years, when co-ops still faced uncertain futures, Walter Harrison acted as both guide and leader to put Planters EMC on solid footing.

Walter Harrison always sought to bring the fruits of progress into the rural areas. He was a pioneer in the formation of the Rural Telephone Cooperative, and sponsored the Rural Telephone Act in the Georgia Senate in 1950. He constantly sought new ways to put electricity to work on the farms of Georgia, and served as chairman of the Farm Electrification Council, as well as president of the Georgia EMC from 1950 to 1975.

Walter Harrison's mark on Georgia is one of brilliance. It continues to shine now, as it will in the future, whenever the lights go on across rural Georgia. Few men leave behind the legacy of good works and community love which Walter Harrison has, and our State will sorely miss him.

We will always need men and women with the vision to see a brighter future and the courage to reach out for that future.

Walter Harrison saw the world around him as a place that could be improved—and he devoted his life to bringing those improvements to pass. In paying tribute to him today, there is one act that I believe to be most fitting. It is now up to those who have benefited from his life to pledge to carry on his work.

If Walter Harrison's spirit of giving, service and love live on, his legacy will never die. I believe there can be no more meaningful tribute to a life generously lived than this.

Mr. DARDEN. Mr. Speaker, I join my colleagues from Georgia in expressing sorrow over the death of Mr. Walter Harrison, one of the early shapers of the rural electrification movement in this country.

As someone who grew up on a dairy farm, I can understand perhaps better than some of my urban colleagues the value of Mr. Harrison's work to bring electric power to rural America. In the depths of the Great Depression of the 1930's, rural electrification began to erase the darkness of nights in the countryside and to relieve rural people from much of the drudgery which was a necessary part of rural life for years after the lighting of our cities. Thanks to Mr. Harrison's efforts, the lives of people of my generation in Hancock County, GA, could be markedly easier and more comfortable than had been the lives of our parents.

I had the honor recently of attending dedication ceremonies for the new Richard Russell Dam, power from which will be a boon to the electric cooperatives of Georgia and surrounding State. Mr. Harrison was especially effective in obtaining authorization and funding for that dam, which was dedicated just 5 weeks after his death. It now joins the long list of monuments to his dedication and service to rural people across this country.

Mr. HATCHER. Mr. Speaker, I rise to pay tribute to one of Georgia's finest leaders for the last 60 years, Mr. Walter Harrison, who passed away on August 3. Mr. Harrison, a native and lifelong resident of Jenkins County, GA, was active in the early years of the Rural Electrification Administration program in southeast Georgia.

In addition, Mr. Harrison had a distinguished political career, including eight years as a member of the State senate, 12 years as a State representative, 20 years as the mayor of Millen, GA, 2 years as a city councilman, and 6 years as a county commissioner.

Mr. Harrison's long record of public service has been the inspiration and guiding force behind many of the Georgians' lives he has touched. His dedication to his hometown and to his home State is evident in the many areas in which he worked throughout his life. His commitment to making Georgia a better place to live will be felt for many generations to come, but it is also a commitment that will be sorely missed in the state. We need more Walter Harrisons, and I humbly salute this great man whose memory will live long in the history of Georgia.

Mr. ROWLAND of Georgia. Mr. Speaker, many people have described Georgia's Walter Harrison as a "pioneer." It is a description which fit this Jenkins County native in every way. He was a visionary, an innovator, a bold and adventurous leader in his community and State.

**No more than 1 percent of Georgia's farms had electricity when Walter Harrison established the Planters Electric Membership Corp. in 1937, supplying power to rural Burke and Jenkins counties. He went on to devote most of his life to the rural electric program on both the State and national levels. He was instrumental in establishing the Georgia Electric Membership Corp., where he served as the organization's manager for 25 years.**

**Walter Harrison received more awards and honors than we can recount here. But it was particularly fitting that just this year he was presented the Georgia EMC 50th anniversary Pioneer Award, was named by Gov. Joe Frank Harris as "Mr. Rural Electrification," and was inducted into the Cooperative League of the USA Hall of Farm in Washington, DC.**

**When he died at the age of 85 last month, the people of Georgia and the Nation lost a true friend.**

## GENERAL LEAVE

Mr. FOWLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

## AIDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DANNEMEYER] is recognized for 30 minutes.

Mr. DANNEMEYER. Mr. Speaker, I take this time this evening as a senior member of the health and Environment Subcommittee of the Energy and Commerce Committee to talk about a subject that is on the minds and hearts of many Americans today. That is the subject of AIDS; what is it, what we in Congress can be doing about it, and what we should be doing about it.

First, a few words as to what its current status is in this country.

It is a serious condition characterized by a defect in the natural immunization against disease. Hence, the name AIDS.

Since its discovery in the United States in 1981, the Public Health Service has received reports of more than 13,000 cases, over 50 percent of which have resulted in death.

Over 1 million Americans have been infected with the AIDS virus right now. It is reported that 5 to 10 percent of those that are so infected will come down with AIDS within the next 5 years. Some persons have estimated that those who will come down with AIDS in the next 5 years is closer to 25 percent. If the 25-percent figure is accurate, that means 250,000 Americans dying with AIDS within 5 years.

Currently the death rate is 80 percent 2 years after diagnosis. No AIDS patient has survived more than 3 years after diagnosis. More than 160 cases of AIDS in children are under the age of 13. AIDS can be passed on to infants in the womb or after birth. Reported incidents of AIDS have doubled each year since its discovery in 1981. Health officials anticipate over 40,000 new cases of AIDS over the next 2 years in the United States alone.

One of the crucial questions about AIDS, of course, is: Can it be transmitted by normal social contact? The answer to this question is at this point unclear. Most of the medical officials in our country say no, although they are not certain about that.

The syndrome has been reported as striking mainly male homosexuals, 72 percent, roughly, of AIDS cases. It has also affected intravenous drug users, 17.2 percent of the AIDS cases. This means that a significant number of innocent victims in no-risk groups have been afflicted by the disease, 3.6 percent Haitians, 0.6 percent hemophiliacs, 1.2 percent recipients of blood transfusions and 3.8 percent belonging to no apparent risk group. There are about 500 of these 13,000 AIDS cases today that medical science cannot really find a cause for how those persons acquired it.

There are about 2 percent, close to that, of people who were in medical need of a blood transfusion, went to a blood bank or a hospital and got a blood transfusion and ended up with AIDS, about 260 people nationwide in that category today.

The live AIDS virus has been found in blood, semen, serum, saliva, urine, and tears. There are 216 reported cases of AIDS linked to the use of blood or blood products, blood transfusions, or hemophiliacs. Research studies indicate that the median lifetime number of male sexual partners for homosexual male AIDS patients is 1,160.

Regarding treatment, the UCLA Medical Center estimates that the average AIDS patient requires 2 to 3 months of hospitalization, with 1 to 3 weeks in the intensive care unit, equaling a total cost of $50,000 to $100,000 per patient. At the present time there is no known cure for AIDS.

As to the magnitude of the risk to our world, listen to these words from Dr. John Seale, writing in the August issue of Britain's Journal of the Royal Society of Medicine, stating that AIDS is capable of producing a lethal pandemic throughout the crowded cities and villages of the Third World of a magnitude unparalleled in human history.

Some of these matters were brought to this Member's attention in my home State of California over the recent August break, and indeed we Californians have 25 percent of the AIDS cases that have been so far recorded in these United States. Of those 25 percent of the cases, most of them are located in San Francisco, in Los Angeles, although some are spread out in other areas of the State of California. About 40 percent of the total cases are located in the State of New York.

Members would be interested to know that since 1982, $407 million has been expended on AIDS research. In 1982, just 4 years ago, only $5.6 million was appropriated for research. In 1986, just under $200 million has been earmarked by the Federal Government, indicating a response for the need of intensive effort. I do not think there is any questions in anybody's mind in the Congress today that we will supply the funds that are requested by our public health authorities in order to hopefully find a cure for the disease, although the prospects for that have not been, up until now, entirely optimistic in terms of a forecast.

As a result of certain information that was brought to my attention last month, I wrote a letter to the Public Health Service on August 8, asking that body in this country to take some action in order to protect the integrity of the blood supply that we Americans rely upon whenever we have need for a blood transfusion. At that time, when you went to a blood bank, you were given two forms to fill out. One form contained 20 questions. One of the questions was whether or not you are an intravenous drug user. Bear in mind that category of people have contributed about 17 percent of the AIDS cases.

□ 2005

If you answer that question "yes" to the blood bank, the official position is you cannot donate blood.

You are also given another form, this was as of August 8 of this year, in which the blood banks listed certain persons in a "should not donate" category. In the "should not donate" category were listed polygamous male homosexuals. The inference being that if you are a monogamous male homosexual as of that date, August 8, your blood was welcome in the blood supply of the country. The rationale for that position was that the Elisa test that was begun in the early part of this year that detected any AIDS virus that may have been in the blood of a monogamous male homosexual so the blood supply was protected.

The defect in that reasoning is the fact that of those who test negative, there is a 4-percent fail rate. In other words, of those monogamous male homosexuals who are given the test, a false negative comes into existence for 4 percent of the total so their blood is getting into the blood banks of America.

My letter of request to the Public Health Service was that all male homosexuals be denied the ability to donate blood so as to protect the integrity of the blood supply of this country. I am happy to say to my colleagues that just 1 month later, September 8, CDC, speaking for the Public Health Service, adopted a regulation in which it placed monogamous male homosexuals on the same basis as polygamous male homosexuals. Namely, that they were both placed into the "should not donate" category.

The puzzling thing about this position is this: Intravenous drug users, who contribute roughly 17 percent of the cases of AIDS are in the "cannot" category. Yet male homosexuals who contribute 75 percent of the cases of AIDS are still today in the "should not donate" category. I asked Dr. Mason, head of Public Health Service, the other day in my office to put all male homosexuals in the same category as intravenous drug users on the rationale that if it is in the public interest, and I believe it is, to suggest that intravenous drug users who contribute 17 percent of the cases of AIDS are not permitted to donate blood, then I would submit that it follows that a category who contribute 75 percent of the known cases of AIDS should also be in the "cannot" category. He said he would take that into consideration.

Quite frankly, my friends, I believe that the reason that the CDC acted so promptly, promptly being 30 days from the time of my letter of August 8, was because they could not defend the position that they were taking with respect with continuing to receive into the blood banks of America the blood of those who claim to be monogamous male homosexuals. That is the reason I believe on September 8 that they wisely adopted the policy option that significantly implemented the recommendation that I asked them to make. I hope that they will have the wisdom to take the additional step of placing all male homosexuals into the "cannot" category as well to further protect the integrity of our blood supply.

I think it is time that we say to the American people that our blood supply today that any of us has recourse to utilize is contaminated with a modest quantity of AIDS virus. Any of us bear a small statistical chance of getting AIDS if we take a blood supply today from a hospital or a blood bank or what have you. The public health authorities are faced with a very delicate choice: If we had a perfect world, we would throw out all of the supplies of blood in the blood banks of America today. But if we did that, those who depend on that blood and plasma for life-giving sustenance would be denied the receipt of that needed commodity. The judgment call has been made that those who would be denied the blood from the blood banks would be far greater in number than those who statistically are going to get AIDS from continuing to receive blood from the blood supply of this country. I think probably that is a sound judgment.

What should we do? Those of us in this country, when faced with the problem of needing a blood transfusion? We should encourage the blood banks, the hospitals of this country to set up direct donation of blood, so that when our loved ones have a need for a blood transfusion, we can, within the framework of our family units and our close loved ones, receive the blood that we need. This reduces the chance, significantly, of any recipient of blood innocently receiving AIDS.

In some places of the country this is followed today. Not everywhere, but in some places. I believe it is one policy option that our public health authorities should be diligently pursuing in order to protect the integrity of the blood supply of this country and the health of the people of America.

A good question comes into existence, and that is why it took a letter from a Member of Congress on August 8 to cause CDC to change its policy with respect to who cannot or should not be donating blood. Up until that point, CDC had made a judgment balancing competing interests. On the one hand, protecting the integrity of the blood supply of the country; on the other hand, protecting the sensitivity of the male homosexual community of America.

As of August 8, when I wrote that letter, they had come down on the side of protecting the integrity of the sensitivity of the male homosexual community of America, and to that extent, I believe that they made a serious error of judgment. To a large extent, they have corrected that error of judgment, and I think they should be commended for the step that they have taken.

I think today in this country it is time our public health authorities recognize the epidemic that is going on and pursue certain policy options that when this balance effect has to take place, will come down on the side of protecting the integrity and the health and the public at large and be less concerned for protecting the sensitivity of these tragic AIDS victims for whom we can have nothing but compassion, and I certainly do, because they are going to die. There is no cure for it at this time.

But those of us in public life are called upon to make choices, some of them hard. In this instance I think the choice of protecting the public health must take precedence over the sensitivities of that group in our culture which has contributed the largest percentage of these AIDS cases; namely male homosexuals.

In this spirit, I wrote the letter that I did to the head of the Public Health Service. As a result of the controversy that developed in California in mid-August over this issue, a lawyer from San Francisco called me on the phone and brought to my attention a case he was handling for four nurses working in the San Francisco General Hospital. General practitioner nurses.

He told me a tale that is very difficult to believe upon hearing. What he said was this: San Francisco General Hospital adopted a policy that said to the nurses, "When you are treating victims of AIDS in this hospital, you may not wear gowns, masks, and gloves because when you do that you impinge on the sensitivity of the AIDS patients in the hospital." Bear in mind that all other health practitioners in that hospital treating AIDS patients wore gowns, masks, and gloves such as dentists, doctors, x-ray technicians, dietitians, maintenance workers; anybody else going into those rooms.

These nurses made a legitimate claim of discrimination, and so they brought their case to California OSHA in Sacramento.

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OSHA sent an investigator to look into this matter and a couple weeks ago made an interesting decision. It said that the nurses were right, that they should be permitted to wear gowns, masks, and gloves in treating these AIDS patients so long as other health practitioners were permitted to do the same; but then they went on, OSHA did, to enter an interesting little footnote to their decision. They said, "Nurses, you may wear gowns, masks, and gloves, except in those cases where the doctors treating the AIDS patients notate otherwise on the charts."

A day after this decision by OSHA, the doctors treating AIDS patients went around one by one and made notations on the charts stating that the nurses were not to wear gowns, masks, and gloves, in treating those AIDS patients.

When you hear discrimination of that type, you wonder what in the world is going on. I will tell you what is going on. That hospital has an administration consisting of a majority of male homosexuals. They are running the facility in a way that exhibits the bias I have described.

I think it is intolerable, it is insufferable that such a condition would be permitted to exist and I believe that we in the Congress, having control and responsibility for disbursing Federal funds to hospitals all over America, should be saying to any hospital receiving Federal funds, "You may not discriminate in respect to health care of workers in your facilities."

I believe at this point it is necessary that we in Congress consider what policy options are available to us and I have sent out a "Dear Colleague" letter to the Members of this House and I want to describe what those policy options would be right now.

The first bill would make it a felony for a person in a high-risk group to knowingly donate blood. The CDC defines a high-risk group as those with AIDS, intravenous drug users, hemophiliacs, those receiving transfusions within the previous year, or males who have had sex with another male since 1977.

This is to give teeth to the Public Health Service guidelines with a criminal penalty. It is no different than when you go down to a bank and seek a loan from your banker. You list your assets and liabilities and on the bottom you sign that the statements you have made are correct and accurate, and in some cases you sign under penalty of perjury. Most of us correctly state our condition, but if we do not, the system provides a means for going after those who deliberately misrepresent their status.

Strange and weird as it may sound, my office has received unconfirmed reports, which are difficult to check out, that certain male homosexuals in this country are so incensed and frustrated that America has not found a solution to the AIDS crisis to cure them of this disease that they have in a spirit of spite threatened to donate blood, those with AIDS, in order to contaminate the blood supply, hoping to reach the heterosexual world so as to increase the level of attention that we of the heterosexual world, the 95 percent of us in this country, may be willing to devote to this tragic disease.

To those who may have the inclination, let me observe that we in the Congress will appropriate what is necessary, called upon by the public health authorities for research funds to hopefully find a cure for this tragic disease. We do not need threats of that nature. Threats of that nature will not add anything to the solution, but I think this law that I am talking about is necessary so that if we do have people who conduct themselves in that way that we have the means to bring them to justice for their excesses.

The second bill forbids discrimination against nurses and health care practitioners from using protective garments in treating AIDS patients.

I previously described to the Members what was encountered in the San Francisco General Hospital and the rationale as to why we should adopt that regulation.

I am advised that tomorrow the House is scheduled to take up the appropriation bill for HHS. This Member will attempt to offer an amendment to that bill so as to make clear that we will not tolerate the discrimination that we have encountered, as I have described, in the city and county of San Francisco at the San Francisco General Hospital.

The Members know very well that the rules of this House have been so structured that it is very difficult to offer such an amendment because you have to keep the committee from rising in order to be able to offer your amendment. That is done as a means of preventing accountability for the Members of this House as to our actions.

To my Democratic colleagues who run this place, I would suggest that here is another instance where your crushing of the rules, compressing the rules, has prevented some of us from offering an opportunity that we otherwise would like to pursue.

The third bill would prohibit those persons with AIDS from practicing in the health care industry. Common sense dictates that a doctor, nurse, dietician or technician with AIDS should not come into contact with other individuals in a medical setting.

The fourth bill addresses halting the transmission of AIDS through sexual contact. This bill would provide that any city throughout the United States which fails to shut down its bath houses will be denied Federal funds. The medical community is in full agreement that AIDS is transmitted through promiscuous homosexual contact which flourishes at these facilities. Any public health officer in a city with a bath house that is frequented by male homosexuals today should exercise their judgment under the law and take action to remove that menace to the public health, just as we remove public houses of prostitution in most States of the Union on the grounds that we stop the spread of disease and we also respect the public morals of the community.

The fifth bill concerns the school attendance of students with AIDS. I believe such schoolchildren should be prohibited from attending school. Although CDC has promulgated contrary guidelines, I believe they are inadequate to deal with the special circumstances attendant upon the classroom situation. Children come into close contact with one another during the course of the schoolday and cannot be expected to shoulder the burden of taking necessary precautions in dealing with another AIDS child.

I would commend to the reading of my colleagues an article that was written by Norman Podhoretz, dated October 1, at least that is the date that I saw it, in a publication in the Salt Lake City Tribune, distributed by the News America Syndicate. It raises a very interesting series of questions about this whole problem of AIDS. It begins in the article as to accountability from where it has come from. This is a quotation from that article:

> Yet while there has been a good deal of revulsion felt and expressed in private, the public response has been a meek acceptance of the idea propagated by homosexual activists that it is the rest of us who are responsible for the existence and spread of this horrible disease.
>
> From the idea that the rest of us are to blame, it follows that we must give "top priority" to halting the spread of AIDS. This, in fact, is what the Reagan administration, speaking through the president himself, has agreed to do.

Then Mr. Podhoretz goes ahead and describes how the AIDS virus is transmitted and what people must do in order to decrease the spread of the disease.

> Dr. James O. Mason, director of the National Centers for Disease Control in Atlanta, flatly stated that no new drug or vaccine is needed to halt the spread of AIDS. "We could stop transmission of this disease today," he said, if only homosexuals (and intravenous drug users—but they are another story) were willing to observe certain precautions.
>
> In speaking of these precautions, however, the media, with one or two exceptions like the New York Post, have, as Newsweek puts it, surrendered to "a squeamish lack of specificity." Reporters have used vague phrases like "exchange of bodily fluids" or "intimate sexual contact," and they have rarely pointed to "the correlation between AIDS and extreme promiscuity."
>
> Curious, is it not, that in an age of ubiquitous pornography and blunt speech, it should be so hard to say in plain English that AIDS is almost entirely a disease caught by men who bugger and are buggered by dozens or even hundreds of other men every year?

For those of us who wonder how it is being spread in America, it is just that. God intended a plan for men and women of this world in the sexual arena whereby one man and one woman come together as a family unit and from that family unit children come into the world and propagate the race.

God's plan for man was Adam and Eve, not Adam and Steve, and when a human male penis is inserted into the anus of another male and sperm for the donor ends up in the anus of the recipient, there is every reason to believe this is the means by which AIDS is spread, because the lining of the anus is so structured as to not to be able to resist to prevent the sperm from entering into the bloodstream of the recipient. That interaction of the sperm into the bloodstream of the recipient is the cause of why most people, or a lot of people say AIDS has developed in our culture.

We in Congress cannot pass a law dealing with the morality and the sexual mores of our people. That is beyond our reach. It is none of the business of the Federal Government or the State government or any government in America what two people, man or woman, do in the privacy of

their own homes; but when these activities take place in public chambers, such as bath houses currently in existence in different places in America, so as to permit the transmission of a disease which is known to be transmitted by sexual contact, some of us in public life must speak up to say where perhaps we have misplaced our emphasis in terms of what we should be doing.

We live in a permissive hedonistic world in America and this AIDS epidemic is a means whereby perhaps our attention has been drawn to the excesses that have come into our society.

It is my hope that health officers around the country will have the courage of their convictions to take on the strength of the male homosexual political community and their environs and to take action to shut down those bath houses which are known to be places where AIDS are transmitted. I am talking about places in my home State of California, like San Diego and Los Angeles and San Francisco right now.

The city council of the city of Los Angeles was so influenced by the perceived political clout of the male homosexual community that they adopted an ordinance by eight to nothing saying that persons could not discriminate against those who had AIDS.

I would like to thank my colleagues for this opportunity and as this matter progresses, I will have another opportunity to share these thoughts with my colleagues.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SLAUGHTER) to revise and extend their remarks and include extraneous material:)

Mr. BILIRAKIS, for 20 minutes, today.

Mr. DANNEMEYER, for 30 minutes, today.

Mr. PASHAYAN, for 5 minutes, today.

Mr. SLAUGHTER, for 60 minutes, October 8.

Mr. LEACH of Iowa, for 60 minutes, October 24.

Mr. DREIER of California, for 60 minutes, October 8.

Mr. RUDD, for 5 minutes, today.

(The following Members (at the request of Mr. ECKART of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. SLATTERY, for 5 minutes, today.

Mrs. BOGGS, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. KLECZKA, for 5 minutes, today.

Mr. GAYDOS, for 30 minutes, on October 3.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SLAUGHTER) and to include extraneous matter:)

Mr. MOORHEAD.

Mr. LEWIS of California in two instances.

Mr. MOORE.

Ms. SNOWE.

Mr. DANNEMEYER.

Mr. GREGG.

Mr. WHITEHURST.

Mr. TAUKE.

Mr. WOLF.

Mr. HYDE in two instances.

Mr. COURTER in two instances.

Mr. GUNDERSON.

Mr. GEKAS.

Mr. DIOGUARDI in three instances.

(The following Members (at the request of Mr. ECKART of Ohio) and to include extraneous matter:)

Mr. MAVROULES.

Mr. STARK.

Mr. RICHARDSON in two instances.

Mr. MORRISON of Connecticut.

Mr. BARNES.

Mr. TRAXLER in two instances.

Mr. MICA.

Mr. GARCIA in two instances.

Mr. COELHO.

Mr. HOYER.

Mr. PEPPER.

Mr. FRANK.

Mr. EDWARDS of California in two instances.

Mr. ACKERMAN in two instances.

Mr. FASCELL.

Mr. LANTOS.

Mrs. SCHROEDER.

Mr. MURTHA.

Mr. FLORIO.

Mr. WIRTH.

Mr. RODINO.

Mr. EDGAR.

Mr. MARKEY in two instances.

Mr. HUBBARD.

Mr. BENNETT.

Mr. LAFALCE.

Mr. RANGEL.

Mr. MINETA.

Mr. TOWNS in two instances.

## SENATE BILL AND JOINT RESOLUTIONS REFERRED

A bill and joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1701. An act to authorize a partial transfer of the authority of the Maine-New Hampshire Interstate Bridge Authority to the States of Maine and New Hampshire; to the Committee on Public Works and Transportation.

S.J. Res. 189. Joint resolution designating the week beginning January 12, 1986, as "National Fetal Alcohol Syndrome Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 201. Joint resolution to designate the week beginning September 22, 1985, as "National Needlework Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 206. Joint resolution to authorize and request the President to designate the month of December 1985, as "Made in America Month"; to the Committee on Post Office and Civil Service.

## ENROLLED BILLS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker pro tempore.

H.R. 3452. An act to extend for 45 days the application of tobacco excise taxes, trade adjustment assistance, certain medicare reimbursement provisions, and borrowing authority under the railroad-unemployment insurance program; and

H.R. 3454. An act to extend temporarily certain provisions of law.

## BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills and joint resolutions of the House of the following title:

On September 20, 1985:

H.J. Res. 128. Joint resolution designating the month of October 1985 as "National High-Tech Month"; and

H.J. Res. 299. Joint resolution recognizing the accomplishments over the past 50 years resulting from the passage of the Historic Sites Act of 1935, one of this Nation's landmark preservation laws.

On September 25, 1985:

H.R. 1042. An act to grant a Federal charter to the Pearl Harbor Survivors association;

H.J. Res. 229. Joint resolution designating the week beginning September 22, 1985, as "National Adult Day Care Center Week";

H.J. Res. 218. Joint resolution to designate the week beginning September 15, 1985, as "National Dental Hygiene Week";

H.J. Res. 394. Joint resolution reaffirming our historic solidarity with the people of Mexico following the devastating earthquake of September 19, 1985;

H.J. Res. 305. Joint resolution to recognize both Peace Corps volunteers and the Peace Corps on the Agency's 25th anniversary, 1985–86; and

H.J. Res. 287. Joint resolution to designate October 1985 as "Learning Disabilities Awareness Month."

On September 27, 1985:

H.J. Res. 388. Joint resolution making continuing appropriations for the fiscal year 1986, and for other purposes.

On September 30, 1985:

H.R. 3414. An act to provide that the authority to establish and administer flexible and compressed work schedules for Federal Government employees be extended through October 31, 1985;

H.R. 3452. An act to extend for 45 days the application of tobacco excise taxes, trade adjustment assistance, certain medicare reimbursement provisions, and borrowing authority under the railroad unemployment insurance program.

On October 1, 1985:

H.R. 3454. An act to extend temporarily certain provisions of law.

## ADJOURNMENT

Mr. DANNEMEYER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (as 8 o'clock and 28 minutes p.m.), under its previous order the House adjourned until tomorrow, Wednesday, October 2, 1985, at 11 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2062. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the Department of the Army's proposed Letter of Offer to the People's Republic of China for defense articles, pursuant to 10 U.S.C. 133b (96 Stat. 1288); to the Committee on Armed Services.

2063. A letter from the Secretary of Housing and Urban Development, transmitting the second report on progress of the recipients of Rental Housing Rehabilitation and Development Program grants, pursuant to 42 U.S.C. 1437o(n) (September 1, 1937, chapter 896, section 17(n) (97 Stat. 1206)); to the Committee on Banking, Finance and Urban Affairs.

2064. A letter from the Executive Director, National Council on Educational Research, transmitting the eighth annual report, pursuant to 20 U.S.C. 1221e(c)(3); to the Committee on Education and Labor.

2065. A letter from the Administrator, Agency for International Development, transmitting the determination that the Government of Brazil is in default of certain indebtedness, pursuant to 22 U.S.C. 2370(q); to the Committee on Foreign Affairs.

2066. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification that the President has determined that it is necessary to reprogram an additional $13 million for El Salvador from the fiscal year 1985 continuing resolution (Presidential Determination 85-18), pursuant to 22 U.S.C. 2364(a)(1); to the Committee on Foreign Affairs.

2067. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's Letter of Offer to the People's Republic of China for defense articles, pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2068. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report on the political contributions by Joseph Vener Reed, of Connecticut, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

2069. A letter from the Under Secretary of State for Management, transmitting a report on the plans for implementation of travel controls on certain U.N. Secretariat employees, pursuant to Public Law 99-93, section 141; to the Committee on Foreign Affairs.

2070. A letter from the Chief Immigration Judge, Executive Office for Immigration Review, Department of Justice, transmitting a report on suspension of deportation of certain aliens of good character and with required residency when deportation causes hardship under section 244(a), Immigration and Nationality Act, pursuant to INA, section 244(c) (66 Stat. 214, 76 Stat. 1247); to the Committee on the Judiciary.

2071. A letter from the Chairwoman, U.S. International Trade Commission, transmitting the Commission's 43d quarterly report on trade between the United States and the nonmarket economy countries, pursuant to 19 U.S.C. 2440; to the Committee on Ways and Means.

2072. A letter from the Acting Director, Office of Management and Budget, transmitting the Simplified Competitive Acquisition Technique Act of 1985; jointly, to the Committees on Government Operations and Small Business.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PEPPER: Committee on Rules. House Resolution 281. Resolution providing for the consideration of House Joint Resolution 3, Joint resolution to prevent nuclear explosive testing; (Rept. 99-294). Referred to the House Calendar.

Mrs. BURTON of California. Committee on Rules. House Resolution 282. Resolution waving certain points of order against H.R. 3327, making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1986, and for other purposes (Rept. 99-295). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. RICHARDSON (for himself and Mr. LUJAN):

H.R. 3457. A bill to ensure the maintenance of a strong, reliable, and operational domestic uranium industry by requiring the Secretary of Energy to limit the use of nondomestic uranium by civilian nuclear power reactors; to the Committee on Interior and Insular Affairs.

By Mrs. BOGGS:

H.R. 3458. A bill to provide for the equitable tax treatment of individuals subject to a divorce decree which retroactively terminates the community; to the Committee on Ways and Means.

By Mr. CHAPMAN:

H.R. 3459. A bill to amend the Steel Import Stabilization Act to support the President's national policy for the steel industry by stabilizing steel imports from countries not parties to bilateral arrangements under the President's national policy for the steel industry; to the Committee on Ways and Means.

By Mr. DORNAN of California:

H.R. 3460. A bill to provide that no Federal court may require the expenditure of Federal or State moneys without prior legislative authorization; to the Committee on the Judiciary.

By Mr. EDGAR:

H.R. 3461. A bill to amend the Congressional Budget Act of 1974 to provide for a 2-year budgeting cycle, to provide for separate and timely consideration each of authorizing legislation, budget resolution, and appropriations, and for other purposes; jointly, to the Committees on Government Operations, and Rules.

By Mr. EDGAR:

H.R. 3462. A bill to require that the President transmit to the Congress, and that the congressional Budget Committees report, a balanced budget for each fiscal year; jointly, to the Committees on Government Operations, and Rules.

By Mr. FASCELL (for himself, and Mr. BROOMFIELD) (by request):

H.R. 3463. A bill to authorize assistance to combat terrorism in Central America, and for other purposes; to the Committee on Foreign Affairs.

By Mr. FLIPPO (for himself, Mr. DUNCAN, Mrs. LLOYD, Mr. FORD of Tennessee, Mr. JENKINS, Mr. DARDEN, Mr. ERDREICH, Mr. SHELBY, Mr. ROGERS, Mr. SUNDQUIST, Mr. BEVILL, Mr. HUBBARD, and Mr. GORDON):

H.R. 3464. A bill to amend the Inspector General Act of 1978 to establish an Office of Inspector General in the Tennessee Valley Authority; to the Committee on Government Operations.

By Mr. FRANK (for himself, Mr. FISH, Mr. RUSSO, and Mr. GILMAN):

H.R. 3465. A bill to make permanent the requirements of the manufacturing clause of the copyright law; to the Committee on the Judiciary.

By Mr. GAYDOS:

H.R. 3466. A bill to extend the authorization of appropriations for general revenue sharing for 7 years; to the Committee on Government Operations.

By Mr. GREGG:

H.R. 3467. A bill to amend the Internal Revenue Code of 1954 to impose a surcharge tax on business activities to provide revenues for the trust fund known as the "Hazardous Substance Response Superfund" with respect to the clean-up of hazardous wastes, and for other purposes; to the Committee on Ways and Means.

By Mr. JENKINS:

H.R. 3468 A bill to extend through June 30, 1990, the suspension of import duties on synthetic rutile; to the Committee on Ways and Means.

By Mr. JENKINS (for himself, Mr. FOWLER, and Mrs. COLLINS):

H.R. 3469. A bill to amend the Internal Revenue Code of 1954 to deny an employer a deduction for group health plan expenses unless such plan includes coverage for pediatric preventive health care; to the Committee on Ways and Means.

By Mr. JONES of Oklahoma (for himself, Mr. ROSTENKOWSKI, Mr. JACOBS, Mr. GEPHARDT, Mr. FOWLER, Mr. DONNELLY, Mr. COYNE, Mr. GIBBONS, Mr. ARCHER, Mr. DAUB, Mr. GREGG, Mr. PICKLE, Mr. STARK, Mr. FORD of Tennessee, Mr. MATSUI, Mr. FLIPPO, Mr. ANTHONY, Mr. DORGAN of North Dakota, Mrs. KENNELLY, Mr. THOMAS of California, Mr. MCGRATH, Mr. PEPPER, Mr. ROYBAL, Mr. RINALDO,

Mr. ADDABBO, Mr. SCHEUER, Mrs. SCHROEDER, Mr. BONKER, Ms. OAKAR, Mr. BONER of Tennessee, Mr. TAUKE, Mrs. BURTON of California, Mr. LIGHTFOOT, Mr. STALLINGS, Mr. DOWNEY of New York, and Mr. DELAY):

H.R. 3470. A bill to establish the Social Security Administration as an independent agency, which shall be headed by a Social Security Board, and which shall be responsible for the administration of the old-age survivors, and disability insurance program under title II of the Social Security Act and the supplemental security income program under title XVI of such Act, and to provide for off-budget treatment of the old-age, survivors, and disability insurance program beginning with fiscal year 1987; to the Committee on Ways and Means.

By Mr. MOORE:

H.R. 3471. A bill to amend the Internal Revenue Code of 1954 to revise and extend the taxes used to finance the Superfund Program; to the Committee on Ways and Means.

By Mr. PEPPER:

H.R. 3472. A bill to authorize humanitarian assistance for the National Union for the Total Independence of Angola (UNITA); to the Committee on Foreign Affairs.

By Mr. ROWLAND of Georgia:

H.R. 3473. A bill to amend title 23 of the United States Code to consolidate the interstate construction and 4R programs, to establish a State and local block grant highway program, to increase flexibility in the use of toll revenues to finance highway projects, to extend the authorization of funds for Federal-aid highway programs through fiscal year 1990, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. TAUKE:

H.R. 3474. A bill to amend part A of title XVIII of the Social Security Act to permit imminently terminally ill patients to continue medicare coverage of their hospitalization; to the Committee on Ways and Means.

By Mr. WILLIAMS:

H.R. 3475. A bill to expand and improve programs of adult and continuing education; to the Committee on Education and Labor.

By Mr. DORNAN of California:

H.J. Res. 403. Joint resolution proposing an amendment to the Constitution of the United States to permit congressional review of court determinations that Federal or State law is invalid under the Constitution; to the Committee on the Judiciary.

By Mr. FASCELL (for himself and Mr. BROOMFIELD) (by request):

H.J. Res. 404. Joint resolution with respect to the Agreement for Cooperation between the United States and the People's Republic of China concerning the peaceful uses of nuclear energy; to the Committee on Foreign Affairs.

By Mr. OWENS:

H.J. Res. 405. Joint resolution to designate October 17, 1985, as Black Poetry Day; to the Committee on Post Office and Civil Service.

By Mr. SLAUGHTER:

H.J. Res. 406. Joint resolution to commemorate the associations of the Clarke County region of Virginia with the national historic heritage during the sesquicentennial year of that county; to the Committee on Post Office and Civil Service.

By Mrs. BOXER (for herself and Mr. MILLER of California):

H. Con. Res. 202. Concurrent resolution to request the President to provide economic assistance to Mexico while enhancing the national security and energy preparedness of the United States by further filling the strategic petroleum reserve with petroleum obtained from Mexico; jointly, to the Committees on Foreign Affairs, Energy and Commerce, and Armed Services.

By Mr. RODINO:

H. Con. Res. 203. Concurrent resolution authorizing printing of the brochure entitled "How Our Laws Are Made"; to the Committee on House Administration.

By Mr. MICHEL:

H. Res. 280. Resolution electing Representative Combest of Texas to the Committee on the District of Columbia; considered and agreed to.

By Mr. ROSTENKOWSKI:

H. Res. 283. Resolution returning to the Senate the bill S. 1712; considered and agreed to.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 44: Mr. OBERSTAR.

H.R. 585: Mr. NELSON of Florida.

H.R. 598: Mr. SCHEUER.

H.R. 734: Mr. JONES of North Carolina, Mrs. VUCANOVICH, Mr. MARTINEZ, Mr. TORRICELLI, and Mrs. BENTLEY.

H.R. 760: Mr. SYNAR.

H.R. 776: Mr. NEAL and Mr. MORRISON of Washington.

H.R. 864: Mr. WHEAT.

H.R. 983: Mr. DAVIS, Mr. ERDREICH, Mr. WRIGHT, Mr. DIOGUARDI, Mr. ACKERMAN, Mr. YATRON, Mr. DERRICK, Mr. MINETA, and Mr. MICA.

H.R. 1044: Mr. BROWN of California.

H.R. 1139: Mr. DUNCAN.

H.R. 1256: Mr. SEIBERLING, Mr. VENTO, Mr. DASCHLE, Mr. WEAVER, Mr. MARTINEZ, and Mr. KOLTER.

H.R. 1432: Mr. DWYER of New Jersey, Mr. SEIBERLING, Mr. ACKERMAN, and Mr. HOYER.

H.R. 1435: Mr. LUNDINE, Mr. LAFALCE, Mr. BURTON of Indiana, Mr. WOLPE, Mr. DARDEN, and Mr. LEVIN of Michigan.

H.R. 1458: Mr. GONZALEZ.

H.R. 1482: Mr. RANGEL.

H.R. 1538: Mr. GRAY of Illinois.

H.R. 1550: Mr. MONSON.

H.R. 1759: Mr. BRYANT and Mrs. LLOYD.

H.R. 1769: Mrs. SMITH of Nebraska.

H.R. 1770: Mr. SENSENBRENNER.

H.R. 1840: Mrs. BYRON, Mrs. VUCANOVICH, Mr. DAUB, Mr. PERKINS, and Mr. STALLINGS.

H.R. 1902: Mr. PARRIS.

H.R. 2080: Mr. HORTON, Mr. SILJANDER, and Mr. MARKEY.

H.R. 2185: Mr. RALPH M. HALL.

H.R. 2361: Mr. LEVIN of Michigan.

H.R. 2504: Mr. SOLOMON.

H.R. 2532: Mr. DIOGUARDI.

H.R. 2656: Mr. KOLTER, Mr. WEISS, Mr. STOKES, Mr. MARTINEZ, Mr. SEIBERLING, and Mr. JACOBS.

H.R. 2657: Mr. MARTINEZ, Mr. STOKES, and Mr. KOLTER.

H.R. 2659: Mrs. LLOYD, and Mr. GINGRICH.

H.R. 2663: Mr. ROWLAND of Georgia.

H.R. 2708: Mr. IRELAND.

H.R. 2741: Mr. KANJORSKI and Mr. HANSEN.

H.R. 2762: Mr. GRAY of Illinois.

H.R. 2807: Mr. MILLER of Ohio.

H.R. 2840: Mr. ROBINSON, Mr. HAMMERSCHMIDT, Mr. MCCLOSKEY, Mr. WHEAT, Mr. ECKART of Ohio, Mr. RUSSO, Mr. OWENS, Mr. GUARINI, and Mr. DASCHLE.

H.R. 2866: Mr. CROCKETT and Mr. RANGEL.

H.R. 2870: Mr. KLECZKA, Mr. KILDEE, Mr. MATSUI, Mr. DIXON, Mr. CARPER, Mr. KOSTMAYER, Mr. ROWLAND of Georgia, Mr. FEIGHAN, Mr. ANDERSON, Mr. LUKEN, and Mr. WEISS.

H.R. 2873: Mr. LUKEN, Mr. MARTINEZ, Mr. COYNE, Mr. MCCLOSKEY, and Mrs. HOLT.

H.R. 2950: Mr. JACOBS, Mr. DELLUMS, Mr. LANTOS, Mr. BEILENSON, Mr. LEHMAN of Florida, Mr. CHANDLER, Mr. ROYBAL, Mr. HEFTEL of Hawaii, and Mr. WILLIAMS.

H.R. 3045: Mr. MARTINEZ.

H.R. 3050: Mr. RINALDO and Mr. KASICH.

H.R. 3082: Mr. ROBINSON and Mrs. BOXER.

H.R. 3083: Mr. ROBINSON and Mrs. BOXER.

H.R. 3084: Mr. PURSELL.

H.R. 3099: Ms. KAPTUR.

H.R. 3130: Mr. SWIFT.

H.R. 3132: Mr. WOLPE, Mr. MCKINNEY, Mr. APPLEGATE, Mr. ANTHONY, Mr. BEILENSON, Mrs. BURTON of California, Mr. BROWN of California, Mr. BATES, Mr. CLAY, Mr. FAUNTROY, Mr. EDWARDS of California, Mr. COUGHLIN, Mr. DONNELLY, Mr. ADDABBO, Mr. FRANK, Mr. GUARINI, Mr. ANDERSON, Mr. HAYES, Mr. HERTEL of Michigan, Mr. LIPINSKI, Mr. LEVIN of Michigan, Mr. LELAND, Mr. LOWRY of Washington, Mr. KASTENMEIER, Mr. MITCHELL, Mr. MOAKLEY, Mr. OWENS, Mr. LUNDINE, Mr. ROYBAL, Mr. STARK, Mr. TOWNS, Mr. WYLIE, Mr. WIRTH, Mr. BOSCO, Mr. SEIBERLING, and Mrs. HOLT.

H.R. 3173: Mr. HATCHER.

H.R. 3206: Mr. WILLIAMS and Mr. CONYERS.

H.R. 3207: Mr. WILLIAMS.

H.R. 3258: Mr. DIOGUARDI, Mr. PEPPER, Mr. MATSUI, Mr. LELAND, Mr. MCHUGH, Mr. SENSENBRENNER, Mr. OWENS, Mrs. COLLINS, Mr. COELHO, Mr. DELLUMS, and Mr. ACKERMAN.

H.R. 3263: Mr. VALENTINE and Ms. KAPTUR.

H.R. 3297: Mr. BRYANT.

H.R. 3344: Mr. WAXMAN, Mr. WORTLEY, Mr. MURPHY, Mr. HORTON, Mr. MRAZEK, Mr. CROCKETT, Mr. ROE, Mr. DWYER of New Jersey, Mr. DELLUMS, Mr. ST GERMAIN, Mr. DE LA GARZA, Mr. FRANK, Mr. FAZIO, Mr. SAVAGE, Mr. RANGEL, Ms. OAKAR, and Ms. KAPTUR.

H.J. Res. 7: Mr. WOLF, Mr. PORTER, Mr. ROTH, Mr. HUNTER, Mr. GINGRICH, Mr. SENSENBRENNER, and Mr. KINDNESS.

H.J. Res. 105: Mrs. LONG.

H.J. Res. 126: Mr. VALENTINE, Mr. MCEWEN, Mr. ADDABBO, Mr. SCHUMER, and Mr. FUSTER.

H.J. Res. 127: Mr. MOAKLEY.

H.J. Res. 133: Mr. ROSE, Mr. DASCHLE, Mr. COURTER, Mr. ROWLAND of Georgia, and Mr. RICHARDSON.

H.J. Res. 172: Mr. AUCOIN, Mr. BOEHLERT, Mrs. BYRON, Mr. CAMPBELL, Mr. CARR, Mr. CRANE, Mr. COOPER, Mr. DONNELLY, Mr. DORNAN of California, Mr. DOWDY of Mississippi, Mr. EDGAR, Mr. EVANS of Illinois, Mr. FISH, Mr. FORD of Tennesse, Mr. FRENZEL, Mr. GARCIA, Mr. HUNTER, Mr. KEMP, Mr. LANTOS, Mr. LEHMAN of California, Mr. LEHMAN of Florida, Mr. LENT, Mr. MCCAIN, Mr. MCKINNEY, Mr. MANTON, Mr. NELSON of Florida, Mr. PACKARD, Mr. PANETTA, Mr. PASHAYAN, Mr. PERKINS, Mr. RAHALL, Mr. REGULA, Mr. ROBINSON, Mr. ROSE, Mr. SABO, Mr. SAVAGE, Mrs. SCHNEIDER, Mr. SEIBERLING, Mr. STARK, Mr. STRATTON, Mr. TAUKE, Mr. TORRES, Mr. WHITTAKER, and Mr. KLECZKA.

H.J. Res. 175: Mr. STRANG.

H.J. Res. 267: Mr. SKEEN and Mr. MOLINARI.

H.J. Res. 279: Mr. FRANKLIN.

H.J. Res. 313: Mr. DOWDY of Mississippi, Mr. BUSTAMANTE, Mr. BOEHLERT, Mr.

GAYDOS, Mr. LIPINSKI, Mr. NATCHER, Mrs. SCHNEIDER, and Mr. FISH.

H.J. Res. 329: Mr. AUCOIN, Mr. BARNES, Mr. BATEMAN, Mr. BATES, Mr. BOEHLERT, Mr. BOSCO, Mr. BROWN of California, Mr. BROYHILL, Mr. BUSTAMANTE, Mr. CAMPBELL, Mr. CARR, Mr. DEWINE, Mr. DYSON, Mr. FOLEY, Mr. FRANK, Mr. GONZALEZ, Mr. GRAY of Pennsylvania, Mr. GUNDERSON, Mr. RALPH M. HALL, Mr. HALL of Ohio, Mr. HAYES, Mr. HENRY, Mr. HERTEL of Michigan, Mr. HUNTER, Mr. JONES of Tennessee, Mrs. KENNELLY, Mr. LAFALCE, Mr. LATTA, Mr. LELAND, Mr. LENT, Mr. LEVIN of Michigan, Mr. LOWRY of Washington, Mr. LUKEN, Mr. MCHUGH, Mr. MOLINARI, Mr. MOORE, Mr. MRAZEK, Mr. NEAL,Ms. OAKAR, Mr. PACKARD, Mr. PANETTA,Mr. PEPPER, Mr. REGULA, Mr. RICHARDSON, Mr. ROGERS, Mr. ROTH, Mr. SABO, Mr. ST GERMAIN, Mr. SCHUMER, Mr. SIKORSKI, Mr. SKEEN, Mr. SMITH of Iowa, Mr. ROBERT F. SMITH, Ms. SNOWE, Mr. SNYDER, Mr. STANGELAND, Mr. STUMP, Mr. TAUKE, Mr. TAUZIN, Mr. TOWNS,Mr. VOLKMER, Mr. WILSON, Mr. WYDEN, Mr. YOUNG of Missouri, Mr. YOUNG of Alaska, Mr. BILIRAKIS, Mr. GALLO, Mr. HOWARD, Mr. ARCHER, Mr. CRANE, Mr. MCKINNEY, Mr. MILLER of Washington, Mr. GROTBERG, and Mr. KLECZKA.

H.J. Res. 331: Mr. ACKERMAN, Mr. ADDABBO, Mr. AKAKA, Mr. ANNUNZIO, Mr. APPLEGATE, Mr. BARNES, Mr. BATEMAN, Mr. BEDELL, Mrs. BENTLEY, Mr. BEREUTER, Mr. BERMAN, Mr. BIAGGI, Mr. BLAZ, Mr. BLILEY, Mr. BORSKI, Mrs. BOXER, Mr. BROWN of California, Mr. BRYANT, Mr. BURTON of Indiana, Mrs. BURTON of California, Mr. BUSTAMANTE, Mr. CARNEY, Mr. CHAPPIE, Mr. COELHO, Mrs. COLLINS, Mr. CONTE, Mr. COUGHLIN, Mr. CROCKETT, Mr. DASCHLE, Mr. DE LA GARZA, Mr. DIOGUARDI, Mr. DONNELLY, Mr. DORNAN of California, Mr. DWYER of New Jersey, Mr. DYSON, Mr. ECKERT of New York, Mr. ERDREICH, Mr. EVANS of Illinois, Mr. FAUNTROY, Mr. FAZIO, Mr. FEIGHAN, Mr. FISH, Mr. FOGLIETTA, Mr. FRANK, Mr. FRENZEL, Mr. GARCIA, Mr. GEJDENSON, Mr. GEKAS, Mr. GRAY of Illinois, Mr. GREEN, Mr. GUARINI, Mr. HENRY, Mrs. HOLT, Mr. HORTON, Mr. HUGHES, Mr. JEFFORDS, Mr. KANJORSKI, Ms. KAPTUR, Mr. KASICH, Mrs. KENNELLY, Mr. KINDNESS, Mr. KLECZKA, Mr. KOLTER, Mr. KOSTMAYER, Mr. LAGOMARSINO Mr. LANTOS, Mr. LENT, Mr. LEWIS of Florida, Mr. LIPINSKI, Mr. LUNGREN, Mr. MCCAIN, Mr. MCEWEN, Mr. MCGRATH, Mr. MCHUGH, Mr. MANTON, Mr. MARTIN of New York, Mr. MATSUI, Mr. MAVROULES, Mr. MOAKLEY, Mr. MOODY, Mr. MOORHEAD, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. NOWAK, Mr. O'BRIEN, Ms. OAKAR, Mr. ORTIZ, Mr. OWENS, Mr. PANETTA, Mr. PASHAYAN, Mr. PEPPER, Mr. QUILLEN, Mr. RAHALL, Mr. REGULA, Mr. REID, Mr. RODINO, Mr. ROE, Mr. SABO, Mr. SAXTON, Mr. SCHEUER, Mr. SILJANDER, Mr. SMITH of Florida, Mr. SOLARZ, Mr. SOLOMON, Mr. STOKES, Mr. SUNIA, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAXLER, Mr. VENTO, Mr. WALGREN, Mr. WAXMAN, Mr. WOLF, Mr. WORTLEY, Mr. YOUNG of Missouri, and Mr. CHANDLER.

H.J. Res. 334: Mr. ALEXANDER, Mr. ANTHONY, Mr. BEDELL, Mr. BREAUX, Mrs. BURTON of California, Mr. CARPER, Mr. COOPER, Mr. DINGELL, Mr. GEJDENSON, Mr. GEPHARDT, Mr. CHAPMAN, Mr. HOYER, Mr. HUTTO, Mr. JENKINS, Mr. LIVINGSTON, Mr. LUNDINE, Mr. MCKERNAN, Mr. MORRISON of Connecticut, Mr. ORTIZ, Mr. RAY, Mr. RICHARDSON, Mr. ROBINSON, Mr. RODINO, Mr. ROSE, Mr. RUSSO, Mr. SAVAGE, Mr. SCHEUER, Mr. SKELTON, Mr. SPRATT, Mr. UDALL, Mr. WHITLEY, Mr. ACKERMAN, Mr. ATKINS, Mr. BEILENSON, Mr. FOLEY, Mr. FRANK, Mr. FUSTER, Mr. GRAY of Illinois, Mr. HAWKINS, Mr. HUCKABY, Mr. MAVROULES, Mr. PANETTA, Mr. GRAY of Pennsylvania, Mr. WATKINS, and Mr. HALL of Ohio.

H.J. Res. 350: Mr. DERRICK, Mr. SCHULZE, Mr. WIRTH, Mr. MONTGOMERY, Mr. COBLE, and Mr. THOMAS of Georgia.

H.J. Res. 375: Mr. BROWN of California, Mr. DASCHLE, Mr. DAUB, Mr. HUNTER, Mr. KASICH, Mr. LEHMAN of Florida, Mr. LEVINE of California, Mr. MILLER of California, Mr. RANGEL, Mr. ROGERS, Mr. SAVAGE, and Mr. WORTLEY.

H.J. Res. 379: Mr. DAUB, Mr. HORTON, Mr. GUNDERSON, Mr. FRENZEL, Mr. DWYER, of New Jersey, Mr. BRYANT, Mr. CHAPPIE, Mr. HEFTEL of Hawaii, Mr. DYSON, Mr. REID, Mr. SCHEUER, Mr. WOLF, Mr. WHITTAKER, Mr. ENGLISH, Mr. ANDREWS, Mr. MONSON, Mr. MRAZEK, Mr. WORTLEY, Mr. DIOGUARDI, Mr. MAZZOLI, Mr. SHUMWAY, Mr. CONTE, Mrs. LLOYD, Mr. LAGOMARSINO, Mr. BEDELL, Mr. LAFALCE, Mr. ROE, Mr. MARTINEZ, Mrs. BENTLEY, Mr. HUGHES, Mr. RAY, Mr. LIGHTFOOT, Mr. CROCKETT, Mr. WEISS, Mr. SMITH of Florida, and Mrs. KENNELLY.

H.J. Res. 385: Mr. MCCLOSKEY, Mr. BATEMAN, Mr. RALPH M. HALL, Mr. WILSON, Mr. APPLEGATE, Mr. MINETA, Mr. DAUB, Mr. PASHAYAN, Mr. CONTE, Mr. ROBERT F. SMITH, Mr. SHUMWAY, Mrs. LLOYD, Mr. NICHOLS, Mr. BLILEY, Mr. RANGEL, and Mr. ROSE.

H.J. Res. 386: Mr. SHUMWAY, Mr. PASHAYAN, Mr. WAXMAN, Mr. BROWN of California, Mr. RODINO, Mr. SILJANDER, Mr. MACK, Mr. ROWLAND of Connecticut, Mr. BLILEY, Mr. HAMMERSCHMIDT, Mr. THOMAS of California, Mr. COLEMAN of Texas, Mr. PETRI, Mr. TAUKE, Mr. SPRATT, Mr. OBERSTAR, Mr. WISE, Mr. DELLUMS, Mr. GRAY of Pennsylvania, Mrs. BOXER, Mr. HILER, Mr. DOWNEY of New York, Mr. SUNDQUIST, Mr. LUNGREN, Mr. HAWKINS, Mr. GOODLING, Mr. MOLINARI, Mr. STALLINGS, Mr. LEWIS of Florida, Mr. BATES, Mr. GEKAS, Mr. TOWNS, Mr. BARTLETT, Mr. REID, Mr. EDGAR, Mr. GINGRICH, Mr. ZSCHAU, Mr. CHANDLER, Mrs. SMITH of Nebraska, Mr. MONTGOMERY, Mr. STENHOLM, Mr. STUMP, Mr. EMERSON, Mr. SCHUMER, Mr. HUCKABY, Mr. MCCANDLESS, Mr. BADHAM, Mr. SNYDER, Mrs. JOHNSON, Mr. DREIER of California, Mr. MCCAIN, Ms. SNOWE, Mr. WOLF, and Mr. FAZIO.

H. Con. Res. 15: Mrs. BOXER.

H. Con. Res. 180: Mr. BARNES, Mr. FRANK, Mr. DUNCAN, Mr. GORDON, Mr. TALLON, Mr. PORTER, Mr. SUNDQUIST, Mr. ATKINS, Mr. VISCLOSKY, and Mr. FASCELL.

H. Res. 76: Mr. SMITH of New Hampshire, Mr. FAUNTROY, Mr. MCDADE, Mr. LENT, Mr. KOSTMAYER, Mr. NELSON of Florida, Mr. DORNAN of California, Mr. LELAND, Mr. YOUNG of Missouri, Mr. MORRISON of Connecticut, Mrs. BOXER, Mr. HORTON, Mr. FAZIO, Mr. DIOGUARDI, Mr. MARTINEZ, Mr. BEDELL, Mr. PORTER, Mr. CONTE, Mr. DELAY, Mr. DWYER of New Jersey, Mr. BUSTAMANTE, Mr. SMITH of New Jersey, Mr. FRENZEL, Mr. LANTOS, Mr. SMITH of Florida, and Mr. MINETA.

H. Res. 180: Mr. WALKER, Mr. DARDEN, Mr. PASHAYAN, Mr. DANIEL, Mr. BADHAM, Mr. WORTLEY, Mr. SWINDALL, Mr. SKELTON, Mr. SMITH of New Jersey, Mr. COBLE, Mr. THOMAS of Georgia, Mr. THOMAS of California, Mr. KRAMER, Mr. ROE, Mr. GILMAN, Mr. SMITH of Florida, Mr. PACKARD, Mr. MCCANDLESS, Mr. MCKERNAN, and Mr. HYDE.

H. Res. 194: Mr. YATES, Mr. LELAND, Mr. HOWARD, Mrs. LLOYD, Mr. JONES of Oklahoma, and Mr. ACKERMAN.

H. Res. 256: Mr. CONYERS, Mr. MITCHELL, Mr. LEHMAN of Florida, Mr. GEJDENSON, Mrs. COLLINS, Mr. PEPPER, Mr. DELLUMS, Mr. EDWARDS of California, Mr. CROCKETT, Mr. DOWNEY of New York, Ms. OAKAR, Mr. SMITH of Florida, and Mr. LEVIN of Michigan.

H. Res. 268: Mr. MARLENEE, Mr. MOAKLEY, Mr. DANIEL, Mr. LEVIN of Michigan, Mr. BATES, Mrs. SCHROEDER, Mr. AKAKA, Mr. VISCLOSKY, Mr. DWYER of New Jersey, Mr. COUGHLIN, Mr. DICKS, Mr. MARKEY, Mr. MCKINNEY, Mr. SILJANDER, Mr. GALLO, Mr. COYNE, Mr. BUSTAMANTE, Mr. SMITH of New Hampshire, Mr. MICA, Mr. STUDDS, Mr. SWIFT, Mr. TAUZIN, Mr. SHARP, Mr. KRAMER, Mr. BROWN of Colorado, Mr. DASCHLE, Mr. RALPH M. HALL, Mr. ENGLISH, Mr. ROWLAND of Connecticut, Mrs. VUCANOVICH, Mrs. BYRON, Mr. HYDE, Mr. SAXTON, Mr. RITTER, Mr. BLAZ, Mr. BATEMAN, Mr. GONZALEZ, Mr. MONTGOMERY, Mr. CHAPPIE, and Mr. SKELTON.

H. Res. 271: Mr. MANTON, Mr. BORSKI, Mr. DELLUMS, Mr. LENT, Mr. SAVAGE, Mr. GILMAN, Mr. BOLAND, Mr. DIOGUARDI, Mr. BUSTAMANTE, Mr. MRAZEK, Mr. HOWARD, Mr. ROE, Mr. ADDABBO, and Mr. WALGREN.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

220. By the SPEAKER: Petition of the Board of Supervisors, County of Yuba, California, relative to the establishment of crisis control centers; to the Committee on Foreign Affairs.

221. Also, petition of Flor de Luz E. Angderson, Philippines, relative to citizenship; to the Committee on the Judiciary.

222. Also, petition of Carlos S. Angderson, relative to citizenship; to the Committee on the Judiciary.

223. Also, petition of the American Association of Retired Persons, Chapter 2849, Rutherford, NC, relative to deficits; to the Committee on Ways and Means.

## AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

### H.R. 3424

By Mr. OWENS:

—Page 64, immediately after line 2, insert the following new section:

SEC. 515. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to issue, implement, or administer any contract entered into after the date of enactment of this Act for the performance by a non-governmental commercial source of library services for a Federal department, agency, or other entity.

By Mr. WISE:

—Page 8, line 18, strike out "$984,022,000" and insert in lieu thereof "$987,545,000".

Page 8, line 25, strike out "$15,297,000" and insert in lieu thereof "$18,820,000".

### H.J. RES. 3

By Mr. HYDE:

(Amendment in the nature of a substitute.)

—Strike out the preamble and in lieu thereof insert the following:

Whereas the United States is committed to the prevention of nuclear war through substantial, verifiable, equitable, and militarily significant reductions in nuclear arms;

Whereas in Geneva the United States and the Soviet Union are engaged in negotiations to reduce nuclear arms;

Whereas a viable nuclear deterrent is at present necessary for the security of the United States and its allies;

Whereas the United States, in recognizing a dispute within the scientific community concerning the inadequacy of verification of test bans, is in the process of improving its present verification capabilities in the interest of peace and stability;

Whereas the United States Government has concluded, based upon a thorough evaluation of the evidence, that the Soviet Union may have violated the Threshold Test Ban Treaty;

Whereas the interest of the United States in verification improvements has been demonstrated by repeated proposals to the Soviet Union to enhance verification of the Threshold Test Ban Treaty;

Whereas the President appealed to the Soviet Union at the United Nations on September 24, 1984, to "cooperate in this undertaking and to reciprocate in a manner that will enable the two countries to establish the basis for verification for effective limits on underground nuclear testing"; and

Whereas the President on July 29, 1985, demonstrated his commitment to the process that could ultimately lead to effective verification of the Threshold Test Ban Treaty by inviting the Soviet Union to send experts, with any instrumentation devices they deem necessary, to measure the yield of a nuclear test at the U.S. test site: Now, therefore, be it

Strike out all after the resolving clause and in lieu thereof insert the following:

That it is the sense of the Congress that the United States should—

(1) continue efforts to gain agreement by the Government of the Soviet Union to measures which will improve verification of the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty, and ultimately a Comprehensive Test Ban Treaty;

(2) reaffirm mutual compliance of the Threshold Test Ban Treaty; and

(3) continue to work toward the attainment of a verifiable Comprehensive Test Ban Treaty following the achievement of mutual, substantial, verifiable, and militarily significant nuclear arms reductions.

# EXTENSIONS OF REMARKS

## THE NUCLEAR FUEL SECURITY ACT OF 1985

### HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

Mr. RICHARDSON. Mr. Speaker, I am introducing today, the Nuclear Fuel Security Act of 1985, a much-needed response to address the many problems confronting our domestic uranium industry today. The act provides for 75 percent of U.S. requirements to be filled by domestically produced uranium, with grandfathering of existing contracts. My bill would give the Department of Energy the flexibility to modify the domestic requirement provision and would also provide the necessary international competition to hold prices down to a reasonable level.

I would like to point out to my distinguished colleagues that DOE and utility industry representatives have testified previously that concern over energy security should lead to a 60- to 70-percent reliance on domestic uranium. This would reverse one trend today evidenced by TVA's 75 percent dependence on foreign uranium largely from South Africa. DOE's new enrichment contract—currently being challenged in the courts—suggested that at least 70 percent of enrichment needs to be satisfied domestically. The bill I am introducing today is consistent with this level.

Mr. Speaker, my legislation is needed to provide the market stability and impetus to long term contracting necessary to have a meaningful domestic uranium industry in the future.

Last Thursday, the Secretary of Energy ruled that the domestic uranium industry was nonviable. I have been trying to hammer home that point for the past year. Our domestic uranium industry is dying and, without immediate action, the industry will collapse. The nonviability ruling is recognition of the many problems facing the domestic uranium industry. However, DOE has not taken immediate steps for relief. Mr. Speaker, one of those remedies proposed by DOE would study the amount of foreign uranium coming into the country and decide whether any import relief action is needed—if import restrictions are not needed why did DOE find the industry to be nonviable? Is it because domestic uranium producers cannot support demand needs here at home? Certainly not. Is it because of DOE's enrichment policies? Probably. Is it because of unfair subsidized imports? Absolutely. We don't need studies. We need action. The facts are clear. The domestic uranium industry needs relief from the glut of foreign imports today.

The flood of uranium imports is unfair. Mr. Speaker, most U.S. uranium imports are from Canada and South Africa. Canada has subsidized its uranium industry in excess of $1 billion. Canada's home market price is several times that at which it is selling uranium in the United States—a conditon commonly referred to as dumping under U.S. trade statutes. In addition, Canada imposes a 100-percent de facto domestic content requirement which excludes U.S. producers from its market. South Africa uranium is produced along with gold and South Africa assigns most of its costs to gold production—this results in uranium price undercutting.

Mr. Speaker, the flood of uranium imports is jeopardizing ratepayer interests. Canada, South Africa, and other major foreign producing countries sponsored a cartel in the 1970's to raise their export prices and allocate production. These countries have adopted statutes to prevent the application of U.S. antitrust law to their uranium marketing activities. The bottom line is that utility ratepayers need a secure source for their nuclear fuel. The United States has ample uranium reserves to meet projected future needs.

It is time to face the facts. Our domestic uranium mining and milling industry is in an extremely depressed condition. Employment has dropped 90 percent, from 22,000 to less than 2,000. Production has dropped to less than 5,000 tons, the lowest level since 1955, and I might add only one-fourth of U.S. civilian requirements. Only 4 or 5 of our 25 uranium mills remain in operation. Mr. Speaker, no rebound is in sight; virtually all new contracts are for foreign-source uranium, and imports and import commitments are increasing rapidly. U.S. mills and mines will not be kept on standby indefinitely. Mills will be decommissioned and mines flooded. It will be costly, time-consuming, and difficult to restart our domestic uranium industry once this happens.

Mr. Speaker, we should know times are tough for our domestic uranium industry when the chairman of Cogema—the French nuclear fuel company owned by the French Government—shows more concern for the security of supply and the viability of the U.S. domestic uranium industry than the American Government. In the June 17, 1985 issue of Nuclear Fuel the chairman of Cogema said,

"I don't want to put myself in the American's place, but if I were an American citizen, or a utility, I would be worried about the drop in domestic production, because it is easier to close down mines than to reopen them—much easier. Utilities are profiting from current market conditions, they are not worried because they have large inventories and they have a lot of import possibilities. Nevertheless, in a very long-term perspective, and with a reasonable attitude toward supply security, I think that too great a drop in U.S. production would pose problems and, in any case, would be to a certain extent irreversible."

Mr. Speaker, it is my sincere hope that the Congress will take the Secretary of Energy's nonviability ruling seriously and support my Nuclear Fuel Security Act of 1985 on behalf of a viable domestic uranium industry.

## AFFIRMATIVE ACTION

### HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

Mr. EDWARDS of California. Mr. Speaker, in an article which appeared in the Boston Globe, Father Drinan, our distinguished former colleague, discusses the international aspects of the affirmative action issue. I commend this article to all of our colleagues.

AFFIRMATIVE ACTION IS NOT A PROBLEM FOR THE UNITED STATES ALONE

(By Robert F. Drinan)

The rejection of William Bradford Reynolds to be the third-ranking person in charge of the Justice Department was not only a tacit repudiation of his approach to civil rights but also a vote in favor of the validity of affirmative action.

The Reagan administration has never really conceded that it is opposed to affirmative action but its rhetoric against quotas as discrimination in reverse probably amounts to the functional equivalent of opposition to affirmative action.

Although the history and problems of the 28 million black citizens in America are unique, affirmative action is not a problem for the United States alone. Affirmative action is a part of the treaty which more nations (127) have signed than any other convenant that ever emerged from the United Nations.

The Declaration on the Elimination of All Forms of Racial Discrimination approves of affirmative action in these carefully crafted words:

"Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved."

This declaration originated in the UN General Assembly in 1963. With active US

support, it was completed in 1965. In 1969, after the requisite number of nations ratified the treaty, it entered into force as a part of international law. Even though the US Senate has never ratified the document, it is arguably binding on the United States.

The declaration, which contains a sweeping condemnation of racism in every form, carefully stipulates that "special measure" designed to secure "adequate advancement" of racial groups shall not be deemed "racial discrimination." The only condition is that these "special measures" be discarded after they have achieved their objectives.

This clear endorsement of affirmative action agreed to by two-thirds of the nations of the world is one of the topics treated in a thoughtful collection of 10 essays analyzing affirmative action as it is applied in several nations; this 291-page book was issued by the Rockefeller Foundation in May 1984.

Here are some examples of affirmative action:

1. In Peru, affirmative action is directed at enhancing the educational and economic status of Indians who constitute the vast majority of the population.

2. In India, affirmative action is targeted at 22 percent of the people belonging to the lower castes, the best known of which are the Untouchables.

3. In Israel, affirmative action has been justified as a means of building the self-respect of groups, particularly Arabs, who are held in low esteem.

It is interesting to note that the new Canadian constitution recognizes a form of affirmative action, since the document explicitly approves of "any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups."

A unique form of affirmative action was established when Zimbabwe was being born: 20 seats out of 100 in the parliament are reserved for whites. This arrangement will exist at least until 1989.

A Rockefeller study notes the negative aspects of affirmative action but concludes that affirmative action has "made a positive difference where other measures have failed."

The controversies about affirmative action will continue to be complex and confusing. But the United States is not alone in its struggles to remove the deep-seated effects of institutionalized racism and sexism.

Other nations have discovered the truth of Justice Blackmun's words in the Bakke decision: "To get beyond racism we must first take account of race. There is no other way."

## BUILDING AN INTERAMERICAN COMMUNITY OF PHYSICIANS

### HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

**Mr. BARNES. Mr. Speaker, the Interamerican College of Physicians and Surgeons is a unique organization which represents more than 24,000 Spanish-speaking physicians practicing in the United States. It has recently received funding from the Agency for International Development to implement a primary care physician exchange program between U.S.-based Hispanic practitioners and Latin American physicians. This program will greatly contribute to health in the hemisphere by utilizing the unique resources of thousands of Hispanic physicians in the United States to provide medical training to their counterparts in Latin America. These Hispanic physicians will make a great contribution by accelerating the development of primary care services and manpower in the hemisphere.**

**I would like to share with my colleagues a copy of the description of this project entitled "Building an Interamerican Community of Physicians."**

BUILDING AN INTERAMERICAN COMMUNITY OF PHYSICIANS

The Interamerican College of Physicians and Surgeons has recently secured the support of the Latin America Bureau of the Agency for International Development in its efforts to build a bridge of technical knowledge and human understanding on a physician to physician basis throughout the Interamerican community.

The objective of the ICPS/USAID Cooperative Agreement is to design and implement a medical technology exchange program between members of ICPS practicing primary care medicine in the U.S. and physicians in Latin America, Central America and the Caribbean.

ICPS is uniquely prepared to facilitate technical training exchanges both in the U.S. and in Latin America because its membership is characterized by bilingual communications skills and cultural awareness of the customs and behavior of the inhabitants of the hemisphere.

Many ICPS members are directly involved in the training of medical students and the delivery of primary care services to underserved populations in the U.S.

ICPS publishes a medical magazine, MEDICO, Interamericano which is published on a monthly basis and distributed to members in the U.S. and abroad.

The ICPS-AID Cooperative Agreement will involve the following activities:

Placement of LAC/Physicians with Spanish-speaking primary care practioners for 6 months in rural and urban underserved areas to observe and participate where possible in the delivery of medical services.

The design and conduct of informal/formal structured training programs to be supervised by ICPS physician preceptors. Both clinical and non-clinical skills will be incorporated in the preceptorship program which will include: pediatrics, obstetrics and gynecology, family practice, emergency medical services, ophthalmology, rehabilitation medicine, hospital administrative and public health.

Placement in innovative service delivery environments will be emphasized where possible.

The provision of short-term technical assistance by Spanish-speaking ICPS physicians in LAC/Country settings.

The establishment of a clearinghouse function for the selection and placement of clinical training candidates in short and long term academic training programs in the U.S.

ICPS will respond to US/AID Mission requests for information and guidance on clinical training in the U.S.

The ICPS Physician Exchange Program will emphasize rural and community health care. Each exchange participant will be assigned to a practicing bilingual physician preceptor who will function as a sponsor, mentor and advisor while in the U.S.

Prominent medical scholars and primary care specialists will be identified to provide technical seminars and demonstrations both in the U.S. and the LAC Region.

ICPS views the Physician Exchange program as a means of developing health care leadership in the U.S. and in LAC/countries as a hemispheric resource.

Your support is needed and sought in demonstrating the value of Apreton De Manos Curativas—Building an Interamerican Community of Physicians.

## CALL TO CONSCIENCE VIGIL

### HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

**Mr. MAVROULES. Mr. Speaker, I speak to may colleagues today on behalf of thousands of Jewish citizens in the Soviet Union deprived of emigration privileges.**

**Last week I sent out a letter cosigned by 75 other Members to Secretary General Gorbachev. In the letter we expressed our concern for a certain Jewish family, one out of thousands, who seeks emigration privileges from the Soviet Union. Mikail Faingersh and his family have been denied the right to emigrate to Israel since they first applied in October of 1979. The letter follows:**

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, September 20, 1985.*

MIKHAIL S. GORBACHEV,
*Secretary General of the Communist Party, the Kremlin, Moscow, Union of Soviet Socialist Republics.*

DEAR SECRETARY GENERAL GORBACHEV: We, the undersigned members of the United States Congress, are writing to express our concern for the thousands of Jewish citizens in the Soviet Union seeking emigration privileges.

Shcharansky, Begun, Paritsky, and Nudel, among others, have been etched in our collective consciousness. Every week we in the West hear of new names—the human faces of human rights—and we are again compelled by our tradition and the moral imperative to speak out on their behalf.

Today we raise our voices for Mikail Faingersh, his wife, Mira, and their ten year old son, Roman, who are residents of Kishinev, Moldavian, S.S.R. Faingersh first applied for emigration from the Soviet Union to Israel in October of 1979. He has since been refused the right to leave, which is in clear violation of the Helsinki Accords, signed by the Soviet Union in 1975.

We strongly urge you on humanitarian grounds to grant the Faingersh family an exit visa so that they may emigrate to Israel. Their plight is compounded by the fact that Mikhail's parents, now living in Israel, are in failing health and have never seen their grandson. Time is precious for the grandparents and for Mikail Faingersh and his family.

We ask you to let the Faingersh family join their relatives in Israel.

## VALEDICTION TO THE CLASS OF 1985

### HON. DAN MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

**Mr. MICA. Mr. Speaker, I would like to bring to the attention of my colleagues a valedictorian address recently delivered by a Florida high school student.**

**Her name is Kimberly Anne Ackourey, valedictorian of the 1985 graduating class of Pope John Paul II High School in Boca Raton.**

**Ms. Ackourey's address is a stirring tribute to the indomitable nature of the human spirit. It is a call to action, a plea for compassion in our troubled age. It speaks to what is good and giving in each of us. The youthful author of these words has wisdom beyond her years, Mr. Speaker, and I commend her thoughts to my colleagues.**

After four years of high school we have learned about past and present peoples and cultures. We have formed relationships with others and have received an encouraging sense of accomplishment from both our parents and our teachers. We have become well-rounded individuals who are capable of making great contributions to the world. The values we have formed at Pope John Paul II High School will guide us in actions we will take.

Moral values are more than persuasive words that are instilled in the family and in the classroom. They are demonstrative expressions of our love and concern for others. These values have been enhanced by our communications with fellow students, faculty, and staff. They are evident in school projects, such as in the collection of food for the poor and in visiting the aged. We search for a meaningful life filled with interest because we dread monotony and boredom. By knowing our fundamental beliefs, we will be able to live this full and varied life that each of us strives for.

Advancement characterizes our age. The whole world will be living with the increasing implications of nuclear weapons and energy, space travel, computer technology and medical innovations. However, science and industry cannot decide our future. We, acting as educated individuals, are the only ones who can make this decision. We of the graduating class have developed realistic attitudes about our future by becoming more informed. We have learned to avoid George Orwell's dismal concept of 1984, and have adopted Sir Charles Snow's belief of the importance of combining humanism with technology. By understanding ourselves and where we are going, we will not allow such technology to change the goals in our lives.

Our morals allow us to view technology from a more altruistic perspective. Continuous development is not only imperative, but it is also inevitable. Advancement must be applied, therefore, for the benefit and not the destruction of mankind. Our attitudes will influence the attitudes of those in the future, and we must realize our power to change situations in the world—such as world hunger and the threat of nuclear holocaust. As Albert Einstein once wrote: "We have the means to get almost anywhere." We graduates have the potential to become the people we wish to become. We can contribute to society now and far into the future by believing in ourselves and by utilizing our skills for the betterment of all.

Justice William O. Douglas, a great American who took the path that many of us will take, emphasized the importance of responsibility and contribution to society when he said: "I hope that America's only dream of empire will be the common good of humanity. I hope America will come to realize that her strength is not in fire power but in ideas of justice, tolerance, equality. We have a decisive role to play."

We, the 1985 graduating class of Pope John Paul II High School, must now decide what this role will be. We have many opportunities before us, many paths to follow. I wish each and everyone of you, my fellow students, the greatest happiness in whichever route you choose to take. May you always realize your vast potential and have the courage needed to reach all of your goals.

## LEA COUNTY—CHAMPION COWBOY CAPITOL OF THE WORLD

### HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

**Mr. RICHARDSON. Mr. Speaker, cowboys and cowgirls are as much a part of our country's traditions as apple pie. I want my distinguished colleagues to know that New Mexicans proudly boast that Lea County in the Southeastern part of my State is still the champion cowboy capitol of the world. I hope my distinguished colleagues will take the opportunity to read a recent article that appeared in New Mexico Magazine, entitled: "Lea County—Champion Cowboy Capitol of the World," and meet some of New Mexico's champions:**

LEA COUNTY—CHAMPION COWBOY CAPITOL OF THE WORLD

(By Douglas Kent Hall)

Mention New Mexico and hardly anyone automatically thinks of cowboys. Once we get beyond whatever the public relations people might mean by "The Land of Enchantment," our response might first include images of Indians selling jewelry on the plaza in Santa Fe. But the truth is, New Mexico is also a great cowboy state.

I discovered this while writing and photographing my book *Working Cowboys.* Naturally, I started out in Texas. But I was repeatedly steered back to New Mexico, where many legendary cowboys punch cows on ranches larger and wilder than the more famous spreads in Texas or anyplace else.

The people of Lea County, for instance—down in the southeastern part of the state, where Indians are few and the natural beauties normally associated with New Mexico are almost nonexistent—aren't going to let you forget about their cowboys.

Lea County is more likely to be labeled oil country than cattle country because it seems to a traveler driving thought that seesawing oil pumps far out number the stock. But while Lea County cowboys will admit that oil pays a lot of the country's bills, they still maintain that this is prime cowboy country. And that's no idle boast. They measure and back it up by the number of cowboys who have been bred here on the high plains beyond the caprock and then gone on to be world champion rodeo performers.

Tuffy Cooper, himself a champion roper and an avid supporter of the Lea County Fair and Rodeo as well as the Lea County Cowboy Hall of Fame, can tick the names of their famous cowboys off on his fingers. "George Wier was world champion in 1917. Ricahrd Merchant held the title in 1923 or '24. Then Jake McClure came along in the late '30s and early '40s. Troy Fort was the next one; he was world champions calf roper in 1947 and 1949. I was the first national intercollegiate calf-roping champion. We've had many national high school champions. My daugher, Betty Gail Cooper, was the first national girl champion in college rodeo. She went on to become the World Champion All-Around Cowgirl, a title she's held for the last two years. My son, Roy Cooper, was the National High School Champion All-Around Cowboy, the National Inter-Collegiate Champion All-Around Cowboy, the PRCA Rookie of the Year, the World Champion Roper for six years, then the World Champion All-Around Cowboy for two years. My nephew, Jimmy Cooper, was World Champion All-Around Cowboy two years ago. . . ."

If there are a few names Tuffy can't recall, Fern Sawyer, a World Champion All-Around Cowgirl, unofficial national ambassador for rodeo and one of the original founders of the Lea County Rodeo, can certainly supply them. And she would add to her list the name of the great roper, Bob Crosby. "He's not from this county—he was born just over the line in Chaves County—but he came to all our rodeos and we sure like to claim him."

Tuffy and I sit in his comfortable ranch house near Monument, south of Hobbs. Tuffy is tall, lean, in late middle age, and has an incredible smile that shows a lot of teeth and lights up his whole face. In front of me is a glass-topped coffee table at least 10 feet long and two feet wide that is filled with solid silver trophy buckles inlaid with gold and rubies worth a small fortune—evidence of this family's dedication to the sport of rodeo. I ask him why one county could produce so much cowboy talent, and he lays it to survival. "You either have to rope or work," Tuffy says with a grin. "It's kind of like some of the blacks in the ghettos; they have to work to get out of their poverty. It's the same here. Ranching is a tough life."

I drove down to Lovington last August to the Lea County Fair and Rodeo (August 14-17 this year) to see what made the Lea County cowboys so formidable on the world circuit. Two hundred miles out of Santa Fe the sun stopped shining. The kind of vicious black clouds that sweep through West Texas hung on the horizon; wind and lightning started and sheets of rain feel, making rivers of the roads and brining floods down from the arroyos southeast of Roswell.

I found Tuffy, who is head of the rodeo committee, in the rodeo office on the fairgrounds. He was optimistic. He figured the rain would stop by rodeo time; if not—well, it didn't matter. They'd never cancelled a performance because of weather.

Joe Bob Feller, one of the rodeo clowns and bullfighters, was waiting out the storm in the office. I asked him how it was, fighting bulls in the mud. "The worst part's gettin' your feet wet," he laughed. "After that it's all downhill."

In the late afternoon the rain let up briefly, but just before rodeo time a fresh bank of clouds blew in and it began again. The downpour increased as time for the grand entry parade approached.

I mentioned to one of the contestants that it was a shame about the rain.

"It's only normal," he said. I'd say it rains here seven out of 10 rodeos." A cowboy standing with him, his hat dripping and his chaps slick with water, disagreed: "Nine out of 10 is a whole lot closer to the truth. During rodeo week, this place turns into a regular swamp."

Did they think it had anything to do with the success of the local cowboys like Roy Cooper, the current World Champion All-Around Cowboy?

"Well, maybe. It ain't easy in this stuff. I guess it's like the old saying, 'When the goin' gits tough, the tough git goin'.' "

Organ music crackled over the PA system, announcing the start of the grand entry. Queen, producers, judges, and local rodeo boosters rode their horses through mud at least eight inches deep. The bareback broncs were fighting the gates of the the faces of these men and women as they awaited their events. And there was a certain futility in their attempts to stay even semidry. Those who hadn't brought slickers used plastic garbage bags to protect their riggings, saddles, ropes, and even their own bodies. The crowd had dwindled, the remaining few huddled near the spot where Baldy was buried. One clown grabbed a pickup man's rope and let himself be pulled belly first through the mud; he went hydroplanning past the last of the crowd in the grandstand.

Fern Sawyer came down to stand with me during the girl's barrel racing. A small, ageless, vivacious bundle of energy, she has been a supporter of rodeo for women and men all her life, and the mark she has left on the sport is considerable. When I first met Fern 12 years ago, the cowboy who introduced us said: "Inside that little body is the heart of 10 men." During those years I have discovered the truth in his statement. I know she still does most of the work on her ranch that she ropes every calf that is branded there, and that she knows as much about working cattle and rodeoing as any person alive. I also know that she's as outspoken as any person I've ever met. Her opinions on the girls who were barrel racing were no exception. She watched the first two or three in silence and then said: "These girls sure don't ride according to my standards. Hell, if I'd rode grabbing the horn like that to hang on, my dad wouldn't've let me ride at all. Everybody says you can't ride barrels on those spirited horses without hanging on, but I'll betcha I could. You put the horse at a disadvantage if you can't ride him. Besides, it looks awful."

I asked why she thought Lea county has produced so many champions. She shook her head. "I know we've got 'em. I don't know why. But there is one thing about Lea County and maybe this is part of the explation. My dad always said that he'd looked all over the United States and this was the best ranching country in the world, right here in these high plains. Because you might not get any rain part of the time, but when you do, you get the strongest grass there is.' "

Looking down on what bore a closer resemblance to a frog pond than a rodeo arena, I though that there probably would be some grass on the high plains next year. And that maybe the cowboy had been right about the tough gittin' goin' when the goin' gits tough—at least it seemed to be true down here in Lea County, the Champion Cowboy Capitol of the World.

## INACTION OR BAD ACTION?

### HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

**Mr. EDWARDS of California. Mr. Speaker, the Los Angeles Times, in an editorial on September 20, 1985, points out the shortcomings of the immigration reform proposals currently being considered by the Congress. I commend this editorial to the attention of all those who are concerned about this serious issue.**

INACTION OR BAD ACTION?

The U.S. Senate has approved a new version of an immigration-reform bill with so many weaknesses that doing nothing would be better.

This marks the third consecutive year in which Senator Alan K. Simpson (R-Wyo.) has won Senate approval for legislation aimed at stemming the flow of undocumented aliens into the United States. The key element of Simpson's bill, as in the past, is sanctions against employers who hire illegal immigrants as workers. The intention is to dry up many of the jobs that lure foreigners.

Foremost among its faults are the restrictions on an amnesty for immigrants living in the United States. Legal status is proposed for those who have lived here since 1980, but only after a study commission has determined that the employer sanctions provided by the legislation have worked to stem the flow of illegal immigrants. Since employer sanctions have not proved adequate in 20 other nations that have tried them, according to a study by the General Accounting Office, it is possible that amnesty would never be granted to the otherwise honest, hard-working immigrants who have established themselves in this country. That in turn would drive them further underground and increase their exposure to exploitation.

Another defect of the bill is a guest-worker amendment attached to it by Sen. Pete Wilson (R-Calif.) at the behest of Western growers. Arguing that farmers cannot harvest perishable crops without a steady supply of migrant laborers, Wilson persuaded the Senate to create a temporary-worker program that would allow up to 350,000 foreign workers at any one time to enter the United States as seasonal farm workers. Simpson argues that this provision would all but negate the intended effect of his bill by opening U.S. borders wider. He also warns that the Wilson workers would be treated no better than Mexican migrants were under the old discredited *bracero* program. Simpon's misgivings are well founded.

The counterpoint in the House to Simpson's Senate proposal is the immigration bill written by Rep. Peter W. Rodino Jr. (D-N.J.) that would balance employer sanctions with an immediate amnesty for immigrants who have lived in the United States since 1982. Rodino also includes provisions that would protect Latinos and other minority citizens from job discrimination by overcautious employers who might decide not to hire anybody who looks or sounds "foreign." The Rodino bill is far better than the Senate bill.

Unfortunately, even if Rodino's bill gets through the House intact, it would go up against Simpson's bill in conference committee. There both bills would likely be mangled beyond recognition, or simply die, as happened with two rival immigration bills at the end of the last Congress. This is a scenario for more political inaction and frustration over immigration.

But bad action can be worse than inaction. And there is new research suggesting that the effect of massive illegal immigration is not as serious a problem as those in Congress, pushing for reform legislation, have thought.

A new study by the Urban Institute in Washington concluded that the influx of Mexican workers into Southern California is beneficial to the region. The undocumented aliens help keep marginal industries viable, help keep inflation down and do not have any appreciable effect on local unemployment rates, the researchers concluded.

At the very least, the new research underscores the importance of avoiding quick-fix remedies that ignore long-term demographic trends and economic complications. No immigration reform can be acceptable unless it assures generous amnesty for illegal immigrants already established in the United States while avoiding procedures that will in any way encourage discriminating in hiring.

## U.S. WETLANDS ENDANGERED

### HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

**Mr. FLORIO. Mr. Speaker, I would like to direct the attention of my colleagues to the dangers posed to our Nation's wetlands, one of our most important natural resources. I would also like to underscore the insightful points raised by an article by Holly Lown, that appeared in the September 15 issue of the National Rifle Association Monitor.**

**Once thought to be wastelands, wetlands exist in every State in the United States but are rapidly diminishing to the detriment of the migratory waterfowl populations. Wetlands are crucial for the existence of many waterfowl species since they provide year-round habitats for numerous species and serve as their principal breeding, feeding, and resting grounds. When this country was settled more than 300 years ago, 215 million acres of wetlands existed. Currently, this acreage has diminished to 99 million acres because of highway construction, soil erosion, urban development and drainage for agriculture.**

**Because of this decreasing rate of available habitats for waterfowl, there has also been a corresponding decrease in the number of waterfowl available for hunting purposes. This season, U.S. waterfowl hunters will see more restrictive Federal regulations for waterfowl hunting. For the hunters in my district, a part of the Atlantic Flyway, restrictions include a shorter hunting season, smaller bag limits and higher points for certain species. In 1934, the passage of the Migratory Bird Conservation Act authorized the Fish and Wildlife Service to acquire waterfowl habitat with money raised through the sale of duck stamps.**

**Since that time, Congress and the Federal Government have taken measures to acquire more wetlands. However, of the 99 million acres that now exist, only 8 percent are currently owned by Federal or State government. In 1976, the Fish and Wildlife Service revised its acquisition strategy and decreased the number of acres it was set to acquire. It is crucial that we support efforts currently in the Congress to accelerate wetlands acquisition and ensure that our wetlands and our waterfowl populations do not further diminish.**

**Holly Lown's excellent article, "Declining U.S. Wetlands Threaten Waterfowl Populations," follows:**

DECLINING U.S. WETLANDS THREATEN WATERFOWL POPULATIONS

(By Holly Lown)

The loss of wetlands in America is one of the most critical conservation problems facing the nation at this time, with far-reaching, long-term implications for the maintenance of migratory waterfowl populations.

Wetlands are crucial for the existence of many species of birds, ranging from waterfowl and shorebirds to song birds. While providing year-round habitats for many species of birds, wetlands serve as principal breeding, feeding and resting grounds for a great many of the nation's migratory waterfowl populations.

Wetlands exist in every state in the United States, but their abundance varies with the geography of the area, land use and general regional differences. Common terms used to describe wetlands include marshes, swamps, bogs, small ponds, mud flats and wet meadows.

Most of America's wetlands fall into two ecological systems: estaurine and palustrine. Estaurine wetlands are found along the U.S. coastline and are associated with tidal waters. Palustrine wetlands, comprising 94 percent of the wetlands in the contiguous United States, are found in inland areas. They include marshes, ponds and forested wetlands.

Once thought to be wastelands, the importance of wetlands has come to the forefront of public attention in recent years.

The most recent full-scale data on wetlands and their losses are in a report published by the U.S. Fish and Wildlife Service (FWS) titled "Wetlands in the United States: Current Status and Recent Trends," which documents wetlands through the mid-1970's.

According to the report, America boasted about 215 million acres of wetlands when the country was settled more than 300 years ago. By the mid-1970's only 46 percent, or 99 million acres, remained. Wetlands make up only 5 percent of the land surface of the lower 48 states at the present time.

Of the existing 99 million acres of wetlands, only 8.2 percent are owned or controlled by federal or state governments. Almost 92 percent are privately owned.

But these wetlands are continuing to decline at astonishing rates. Current FWS estimates put the annual loss of wetlands at about 458,000 acres, with inland wetlands accounting for about 440,000 acres.

These losses can be attributed to many factors, including highway construction, soil erosion and urban development, but nearly all losses—87 percent—are due to drainage for agriculture, according to the Fish and Wildlife Service.

While wetland losses and degradation continue throughout the country, there are nine areas where wetlands are most threatened. They include both coastal and inland wetlands, all of which are important to migratory waterfowl.

One of the most endangered are all of the estuarine wetlands of the U.S. coastal zone. Wetlands losses there were heaviest between the mid 1950's and 1970's, with more than half being destroyed during that period. Only about 5.2 million acres of coastal wetlands remain in the lower 48 states. And, although protected by federal and state statutes, they still are threatened by developers.

These wetlands exist mostly along the Pacific, Gulf and Atlantic coasts, serving as important habitats for migratory waterfowl in the Pacific, Atlantic, Mississippi and Central flyways. For example, the San Francisco Bay area serves as a wintering ground for about 40 percent of North America's ruddy duck population.

Another threatened wetland is the Chesapeake Bay's submerged aquatic beds, which have suffered severe losses since the 1960's. According to the FWS, submerged aquatic vegetation there decreased by almost 65 percent in the 1970's. Once serving as a feeding and wintering ground for 50 percent of the Atlantic Flyway population of canvasback ducks, the reductions in submerged vegetation there have led to declines in the local populations of canvasbacks, redheads, and migrating Canada geese and black ducks.

The Louisiana coastal marshes, comprising roughly one-third of the coastal marshes in the contiguous United States, suffer a loss of about 25,000 acres a year. These wetlands are important to the state's multi-million dollar shellfish industry, but also serve as wintering grounds for migratory waterfowl in the Mississippi Flyway.

Six inland wetlands were designated as problem areas by the FWS. And, although both coastal and inland wetlands serve as habitats for migratory waterfowl, inland wetlands are most noted for waterfowl production, especially those located in the northern United States.

More than 12 million ducks nest and breed annually in the northern U.S. wetlands. This, when combined with similar habitats in Canadian prairies, accounts for about 60 to 70 percent of North America's duck breeding population.

The prairie pothole region wetlands, which extend from south-central Canada to north-central United States, covers about 300,000 square miles with roughly one-third in the United States. Currently only 25 percent, or 5.6 million acres, remain of the wetland that once spanned 22 million acres.

While this region accounts only for 10 percent of North America's waterfowl breeding area, it produces 50 percent of the duck crop in an average year. The abundance of ponds in this region is the most important single factor in regulating the production on mallard ducks.

The wetlands of Nebraska's sandhill and rainwater basin also are threatened by destruction, losing more than 28,000 acres of its original wetlands. Located in the Central Flyway, about 2.5 million ducks and geese travel through this area each spring. Ninety percent of the midfronted geese also stage in these wetlands each spring.

Forested wetlands of the lower Mississippi alluvial plan are among the nation's most important wetlands for migratory waterfowl. However, only 20 percent of the original acreage, or 5.2 million acres remain in this region that serves as the prime overwintering grounds for many North American waterfowl, including 2.5 million of the 3 million mallard ducks of the Mississippi Flyway. Nearly all of the nation's population of 4 million woodducks use these wetlands as overwintering grounds.

Other inland wetlands determined by the FWS to be in danger of destruction are in South Florida, North Carolina and semi-arid states in the west, including Arizona, New Mexico and Nevada.

Although wetlands continue to decline at an alarming rate, a number of legislative measures to protect them from destruction have been in place for several decades. Wetlands protection in the United States is accomplished by direct federal or state purchase or by acquiring conservation easements that prevent wetlands from being drained, burned, leveled or filled.

Acquisition of wetlands began in 1959 when the U.S. Fish and Wildlife Service and state fish and wildlife agencies jointly determined that 12.5 million acres of waterfowl habitat was needed to maintain populations at existing levels. The FWS was responsible for acquiring 8 million acres, while the states took responsibility for 4.5 million acres of waterfowl habitat.

In 1976, the FWS revised its acquisition strategy and set a goal of acquiring only 4 million acres, of which 2 million already were owned, by the end of 1986. The FWS estimates that it will acquire about 434,000 acres by the end of 1985, leaving approximately 1.5 million acres to be secured, at a cost of about $1.5 billion. The states have acquired about 425,000 acres since 1959, about 17 percent of their goal.

The primary source of funding for wetlands acquisition comes from the Migratory Bird Conservation Act of 1934, which established the Migratory Bird Conservation Fund. The fund authorized the Fish and Wildlife Service to acquire waterfowl habitat with the proceeds from the sale of Duck Stamps.

In 1961, the Weltands Loan Act authorized an advance appropriation to accelerate federal wetlands acquisition to be paid from Duck Stamp proceeds. The loan is due in 1986.

And, in 1964, the Land and Water Conservation Fund Act authorized the use of monies for the purchase of congressionally authorized National Wildlife Refuges and endangered species habitats.

Other wetlands protection legislative measures include:

The Water Bank Act of 1970, authorizing the Secretary of Agriculture to lease wetlands to prevent them from being drained for crop production;

Section 404 of the Clean Water Act, as amended in 1977, making the alteration of wetlands, including those privately owned, subject to review by the U.S. Army Corps of Engineers;

The Fish and Wildlife Coordination Act, designating the U.S. Fish and Wildlife Service as consultant in the construction of federal projects or the issuance of any federal permits that would affect wetlands.

Despite these government efforts, wetlands continue to disappear. Recognizing this, Congress has given greater consideration to wetlands issues during the past few years.

In early 1985, Rep. John Breaux (La.) introduced legislation that would provide emergency funds for the acquisition and protection of wetlands.

The Emergency Wetlands Resource Act (H.R. 1203) would authorize the transfer of $75 million per year for 10 years from the Land and Water Conservation Fund to a Wetlands Conservation Fund. Monies would be used for federal and state wetlands efforts.

Wetlands acquisition would be guided by a National Wetlands Priority Plan that the Secretary of Interior would prepare in consultation with the states. This would require identifying the types of wetlands that should be given priority for acquisition and enhancement projects. All federally acquired land would be added to the National Wildlife Refuge system.

Similar to the Pittman-Robertson Fund, the state cost-sharing program would require states to get approval from the Secretary of Interior for either a comprehensive wetlands conservation plan or for specific wetlands projects. These projects would include enhancement programs to establish a new wetland, increase the size of an existing wetland or restore an existing wetland.

Funding for existing federal wetlands protection efforts would come under the Migratory Bird Conservation Fund (MBCF) by raising the price of Duck Stamps from $7.50 to $15 over a five-year period.

Duck Stamps, which are required for the hunting of migratory waterfowl, are extremely important to the acquisition of wetlands. They have contributed $300 million toward the purchase of 3.6 million acres of migratory bird habitat since 1934. Receipts have averaged $14-$16 million annually.

A new source of funds would be added to the MBCF by authorizing the Secretary of Interior to charge entrance fees to certain units of the National Wildlife Refuge System.

Together, the two provisions are projected to provide $140 million in new revenues over a 10-year period.

An important provision of the legislation would eliminate the requirement for repayment of advances to the Wetlands Loan Act from the MBCF. About $177 million has been appropriated to date. When the act expires in 1986, the FWS is required to use 75 percent of annual Duck Stamp receipts to repay the loan. Elimination of repayment would allow the continued use of Duck Stamp receipts to acquire more wetlands.

The bill is awaiting consideration by the House of Representatives this fall. A Senate companion bill, S. 740, was introduced earlier this year by Sen. John Chafee (R.I.) and is pending approval by the subcommittee on environmental pollution.

In the federal government, the Habitat Preservation division of the U.S. Fish and Wildlife Service released in February an Interim Service Management Plan outlining its goals for ensuring and continuing the protection and proper management of wetlands.

Among the FWS's strategies is to update and maintain national statistics on the status and trends of wetlands, which would provide information needed to develop or alter federal statutes and regulations that affect wetlands.

In addition, the FWS plans to intensify efforts to protect the nation's wetlands through acquisition by local, state and federal governments, and the private sector.

Among the many wetlands studies in progress is a project that will result in the identification of the major causes of wetland losses in the prairie pothole region of the United States. This will include an assessment of the extent to which federal agriculture programs and tax code provisions play a role in the conversion and degradation of these wetlands.

According to the Fish and Wildlife Service, while predicting the future of the nation's wetlands is difficult, an examination of recent trends in wetlands provides insight into what can be expected.

The FWS estimates that, at present rates, there will be virtually no waterfowl breeding habitat left in the contiguous United States 100 years from now. Only 50 percent of the present overwintering waterfowl habitat will be left by that date.

The greatest losses have and will continue to be in the Pacific, Atlantic, Central and Mississippi Flyways. Twenty-one states within these flyways face severe losses. They are: Alabama, Alaska, Arkansas, California, Delaware, Florida, Georgia, Illinois, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Nebraska, New Jersey, North Carolina, North Dakota, South Carolina, South Dakota, Texas and Wisconsin.

Experts predict that although legislatures have moved to reduce coastal wetland losses by enacting protection laws, inland wetland conversions will continue at a high rate until states enact more inland wetland conservation laws. However, they say that such legislation will be difficult to enact because the majority of inland wetlands occur on private lands.

In essence, the prospects for our nations wetlands seem dim. Without increased efforts by all levels of government and the private sector, wetland losses continue at an alarming rate leading to the destruction of America's landscape and treasured lands.

## EUROPE AND STAR WARS

### HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

**Mr. GARCIA. Mr. Speaker, Sunday's New York Times contained an article by James M. Markham on the European perspective on star wars—or the SDI.**

**It is important that we remain informed of our allies position on star wars and defense issues in general. NATO is, after all, the backbone of our military defense system.**

**I submit Mr. Markham's article for my colleagues' perusal.**

IN EUROPE, "STAR WARS" IS MORE THAN A POCKETBOOK ISSUE

(By James M. Markham)

BONN.—Mikhail S. Gorbachev makes his first visit to Western Europe as leader of the Soviet Communist Party this week. It seems hardly accidental that he is starting with France, which has rebuffed President Reagan's program for putting antimissile weapons in space.

For weeks, Western European Governments have been on edge, waiting for Mr. Gorbachev to let the other shoe drop. Tantalizingly, the new Soviet leader and his lieutenants had been hinting that Moscow would be willing to consider radical cuts in its offensive nuclear armory if the Reagan Administration would scrap its Strategic Defense Initiative, also known as "Star Wars."

On Friday, the Soviet Foreign Minister, Eduard A. Shevardnadze, made just such an offer at the White House. Since President Reagan has ruled out abandoning research into space weapons, the stage is being set for another possibly wrenching drama pitting the vulnerabilities of the Western Europeans against Washington's strategic imperatives.

Until the Reagan space program was refocused and redefined by critics as a possible "bargaining chip" at the Geneva arms talks, the Administration had been doing fairly well in selling it. By playing on fears that Western Europe was slipping behind the United States and Japan in high technology, and by dangling the offer of participation in a $26 billion research bonanza, Washington won important European industrial support and neutralized some lingering concerns about the program's implications for NATO defense doctrine.

A patchy Western European response has emerged, but one that the Reagan Administration can probably live with. While President François Mitterand has firmly ruled out French governmental participation, several big state-supported firms, including Thomson and Matra, are talking to the Pentagon about contracts. "We are not going to do anything that takes away from France's defense needs," said a top French defense executive, "but if we find something we can do with the Pentagon, we will do it." In the bidding, French companies are actually ahead of their German and British competitors. Britain's Defense Minister, Michael Heseltine, has attempted without apparent success to extract a commitment to guarantee British industry a $1.5 billion share of Star Wars research during the first five years.

The British and West German Governments seem likely to sign framework accords with Washington that will cover their industrialists' involvement and—they hope—guarantee that technology-sharing will be a two-way street. Chancellor Helmut Kohl of West Germany appears interested in delaying formal agreement until Britain has gone first and until he meets with President Reagan in Washington around Oct. 31. A thumbs-up by nonnuclear West Germany would make it easier for Italy, which usually stays in step with Bonn on security issues, to fall into line. Elsewhere in NATO, Denmark and Norway have categorically rejected space weapons cooperation. Canada has endorsed the principle of research and left the door open for its companies to join in, but has withheld governmental backing.

The Shevardnadze offer places the Western Europeans in a predicament. They have supported research in the unspoken hope that space weapons will ultimately not be deployed because they will prove too costly, will not work or will be negotiated away. The Governments know they would have difficulty explaining to skeptical publics why the United States seemingly rejected a chance for disarmament to pursue an effort that is sometimes portrayed, and not just by Soviet propaganda, as spreading the arms race to the heavens.

Much will hinge on Mr. Gorbachev's and Mr. Reagan's next moves. A crucial issue will be how each side defines Star Wars "research." Senior aides to Chancellor Kohl say the Americans cannot be forced to renounce the kind of research that has been going on in the Soviet Union for some time. But Bonn and other capitals would clearly welcome an accord that banned deployment of space weapons. A senior British official predicted that the ultimate Soviet offer might prove to be "ambiguous," but if it's "really interesting," Europeans will encourage the Americans to pursue it.

In the maneuvering before he meets with Mr. Reagan in Geneva in November, Mr. Gorbachev has seized the initiative. At his Sept. 17 news conference, Mr. Reagan complained that the Soviets have stepped up "a long-time campaign aimed mainly at our allies in Europe and in an effort to build an impression that we may be the villians in the piece and that they're the good guys."

In coming weeks, the two leaders, each a gifted communicator with considerable Thespian talent, seem destined to play out a Star Wars Intermezzo for an attentive Western European audience. Having lost the last struggle for European opinion over American medium-range weapons, the Russians under Mr. Gorbachev have abandoned growls and threats for something rather like sweet reasonableness. The name of the game during the missile debate two years ago was to appear to be flexible.

The rules do not seem to have changed. One of the players has.

## ICE-MAKING INVENTOR HONORED BY STATUE

### HON. DAN MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

**Mr. MICA. Mr. Speaker, I would like to bring to the attention of my colleagues an article published in the Palm Beach Post. The article profiles one of Florida's bona fide heroes, a man whose contributions earned a place in Statuary Hall in the U.S. Capitol.**

**I am referring, of course, to Dr. John Gorrie, the father of refrigeration and manmade ice. That contribution, coming at a time when Florida was frontier swampland, speaks for itself.**

**This article, Mr. Speaker, is an eloquent tribute to a courageous inventor and a great Floridian, and I commend it to my colleagues.**

[From the Palm Beach Post, Aug. 18, 1985]

ICE-MAKING INVENTOR HONORED BY STATUE

(By Larry Lipman)

WASHINGTON.—He was never governor, senator or congressman. None of Florida's 67 counties bear his names nor do any of its cities. He died a broken, rejected man—penniless and foresaken. Yet his is one of two statues Florida gave the U.S. Capitol to represent its citizens.

He was Dr. John Gorrie, a bona fide Florida hero: the father of refrigeration and mechanically made ice.

Frontier Florida was a forbidding place back in 1833 when John Gorrie, a young physician from Charleston, S.C., arrived. Most of the population then lived along what was to become the northern tier of counties stretching from Pensacola to St. Augustine. The rest of the state was largely uninhabited by white settlers. Indians still roamed much of the central and southern portions of the peninsula.

Most of the cotton grown in South Georgia and the Florida Panhandle was shipped from the busy port of Apalachicola, slightly to the west of where the state capital, Tallahassee, would be build .

Details of Gorrie's early life are somewhat sketchy. Research volumes give conflicting dates for his birth, either 1802 or 1803. He graduated from the college of Physicians and Surgeons in Fairfield, N.Y. in 1827 and then practiced in Abbeville, S.C. before journeying south to Apalachicola.

There he quickly became an active member of the town. He became its postmaster in 1834 and was a city councilman, city treasurer and by 1837 was mayor.

But he resigned suddenly in 1839 to devote his full practice to medicine. Malaria was the scourge of the day. Gorrie was ahead of his time in urging in an 1844 treatise *Prevention of Malarial Diseases*, that the swamps be drained and that people sleep under mosquito netting to preventing infection.

He also pioneered the treatment of fever victims by cooling their rooms. To do this he placed ice in a basin held near the ceiling. The cool heavy air flowed downward, across the patient, and out through an opening in the floor.

But ice was difficult to obtain in steamy 19th-century Florida. It had to be brought from the north in great hunks delivered by wagon train or sailing ship. The cost was prohibitively expensive: 50 cents to a dollar for a pound of ice. Imagine that in 1840 dollars.

Gorrie sought a way to artifically produce ice to cool his patients. The Italians had been making ice for years, but their method was crude and impractical. The doctor turned inventor and in the mid-1840s he perfected the technique still used for refrigeration and ice making. The principle involves heating a gas by compressing it, cooling it through radiating coils and then expanding it to further lower the temperature.

On May 6, 1851, Gorrie was granted patent number 8080 for his ice making machine. (His original now is in the Smithsonian Museum.) But Gorrie ran into difficulties trying to further production. He hoped to obtain financing to build a larger ice making machine, but investors were skeptical.

Broken, disillusioned, his finances and health in ruins, Gorrie returned to Apalachicola where he died in June 1855.

Gorrie's contributions to science were largely ignored until the Southern Ice Exchange recognized its debt to him and in 1900 erected a statue in his honor in Pensacola.

On April 30, 1914, Gorrie's statue was unveiled in Statuary Hall, in the old House chamber of the U.S. Capitol where it still stands. The marble statue by sculptor C. Adrian Pillars shows a handsome young man standing with hand on hip gazing confidently ahead.

Gorrie probably never realized the impact his invention would have on modern life. He was seeking a way to relieve the suffering of his patients. His discoveries paved the way for our modern methods of keeping food cold and for the air conditioning that makes life in South Florida bearable through much of the year.

There is a story, possibly apocryphal, about two little Baptist churches near Tallahassee that face each other across a country highway. They once were a single church but they split because of Gorrie's ice making machine.

It seems the original church had a Sunday night tradition of hearing "testimonies," in which members would talk about anything that came to mind: problems they were having, inspirations they felt at the time or even interesting experiences. One member of the church stood one night and said he had been to Apalachicola and had seen a machine that made ice.

Immediately the church was in an uproar because some members felt this was heresy. They pronounced that the making of ice is a role God had kept unto Himself. There was a move to turn this member out of the church for heresy, but instead someone suggested that a delegation be sent to Apalachicola to see if such a machine really existed. A week later, the delegation returned and reported that indeed there was a machine there that appeared to make ice.

The delegation's report failed to settle the issue. Instead, it caused even more controversy within the congregation. Ultimately the controversy grew into two factions—the Yeas and Nays—on the question of manmade ice. The Yeas, outnumbered, separated into a new congregation and built a church across the road.

Each state is allowed two statues to represent it in the Capitol. Florida's other statute is of Edmund Kirby Smith the last Confederate general to surrender after the Civil War and the last surviving full general of either side.

A native of St. Augustine, where his father had been a district court judge, Smith graduated with honors from the West Point U.S. Military Academy and served under Gen. Zachary Taylor in the Mexican War. After the war he returned to the academy as a mathematics professor until the outbreak of the Civil War in 1861. He served as chief of staff to Gen. Joseph E. Johnston at Harper's Ferry and was severely wounded at the battle of Manassas.

## TVA NEEDS INSPECTOR GENERAL

### HON. RONNIE G. FLIPPO

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

**Mr. FLIPPO. Mr. Speaker, today several of my colleagues from the Tennessee Valley Authority service area join me in introducing legislation to add the TVA to the list of departments and agencies benefiting from inclusion in the Inspector General Act of 1978.**

**Our action is primarily a reflection of the strong public concern for greater economy, efficiency, and effectiveness in the management of the complex and costly Tennessee Valley Authority Power Program which is totally financed by revenues collected from the people who use the power. Our action is an effort to bring a higher degree of accountability to the TVA and thus strengthen the TVA's ability to deal with the problems it faces now and in the future.**

**Beyond that, providing TVA with an Inspector General will enable the management and the employees of the corporation and the Congress to benefit from an independent appraisal of problems and progress of the agency.**

**No matter how well-motivated and conscientious and management of an agency may be, audits and investigations initiated by the agency's management, with auditors and investigators responsible to that management, can never achieve the credibility of similar efforts undertaken by an inde-**

pendent agency such as the Office of Inspector General.

Regardless of whether the reputation is merited, the perception of management harassment, intimidation, and retaliation of employees who express public safety concerns at TVA prompted the agency earlier this year to hire an outside firm to receive information on employee concerns on a confidential basis at one of the nuclear facilities. Had an independent inspector general been in place, one who could protect the identity of employees with concerns about the public safety aspects of some of the work at the facility, the issue might have been indentified and confronted by management at an earlier stage and resolved at considerably less cost to the ratepayers who must pay TVA's bills.

Yes, TVA employees would benefit from having an inspector general who would provide them with statutory protection from the fears of intimidation, harassment and retaliation. TVA management would benefit from access to honest employee expressions of concern through an independent inspector general. This would contribute to the overall economy, efficiency and effectiveness of the TVA, a goal shared by the employees, the management, the Congress and the public being served by the TVA.

The largest group of beneficiaries of an inspector general, however, would be the people in parts of seven States who pay the TVA nearly $5 billion a year for electric power. These people are the sole source of revenue for TVA's electric power program. They pay for TVA's management mistakes and they benefit from TVA's management efficiencies.

The ratepayers have no statutory means of checking on the validity of TVA's periodic estimates of revenue requirements which determine the cost of the electricity. They have no knowledgeable or informed experts to look beyond the technicalities of the rate structures and the assignment of costs to various classes of users. They have no State, regional or Federal regulatory body with rate experts to examine the detailed components which add up to the electric rates charged by TVA.

The proposed legislation wiil commission the inspector general to review TVA's rate structure as well as the periodic rate adjustments and inform the rate payers, thorugh the Congress, of his findings. The IG could not infringe on the authority existing in the TVA Act to have the TVA Board establish the rates now could the IG alter the policy directions to the Board found in the TVA Act. However, if the findings disclose a need for changes in the TVA Act in regard to the rates, the issue could be examined, evaluated, debated and considered by the Congress.

This proposal will reorganize the process and the structure through which problems are brought to the attention of the TVA Board. It will assure prompt and truthful reporting of problems and improvements in TVA to the Board and to the Congress.

Some of the functions of an inspector general are already being accomplished through various offices within the TVA. These functions will be consolidated under the inspector general. More importantly, the independent nature of this effort will be assured by having the inspectors and auditors report to the IG rather than the officials responsible for managing the programs which may be under review.

This, with the assurance of confidentiality which the IG can provide employees who are concerned about management practices, should enable management to benefit from the wealth of knowledge and information available from employees.

Properly staffed, an inspector general can be a valuable addition to the management team at TVA. By having the auditing and investigative units in a single office in TVA, an inspector general would improve communications between these units and between these units and the TVA Board.

By giving these functions independence from management and program responsibilities, this change would free management from any charges of foot-dragging in investigations of complaints.

Creating an Office of inspector general would also eliminate the situation that now exists where auditors and investigators report to the officials who are directly responsible for the programs under investigation. The eixsting situation can raise questions about how truly independent the investigations are.

An inspector general would also remove any suspicion that TVA management could squash any potentially embarassing investigation or inquiry.

An inspector general would be expected to provide leadership and coordination and recommend policies to the Board to promote economy, efficiency, and effectiveness in the administration of the TVA program. In addition, an Inspector General would recommend policies to prevent and detect fraud, abuse and waste in TVA programs and operations; would conduct, supervise and coordinate all audits and investigations relating to TVA's programs and operations, and keep the TVA management and the Congress informed about problems and remedies with the administration of TVA programs and operations.

In many departments of Government, the Office of Inspector General has already become a respected vehicle for advancing traditional auditing and investigative skills. The inspector general concept is a valuable means to help restore confidence in the management of an agency by providing an experienced, independent evaluation of program activities. TVA could benefit from an inspector general and I urge timely consideration of the inspector general legislation to improve the economy, efficiency and effectiveness of TVA.

H.R. —

A bill to amend the Inspector General Act of 1978 to establish an Office of Inspector General in the Tennessee Valley Authority

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SEC. 1. FINDINGS.

The Congress hereby finds and declares that the Tennessee Valley Authority is a government corporation with all the powers of the corporation vested in the Board of Directors, thus the citizens and rate payers within the service area and the employees of the corporation lack a statutory means for an independent review of the corporation's policies and its actions to implement policies in such matters as direction of the corporation, changes in electric rate structure and periodic rate adjustments, personnel policies and the implementation of personnel policies, and other activities.

The economy, efficiency and effectiveness of the operations of the corporation are lessened by the loss of confidence of the citizens in the service area in the actions of the board, sometimes involving complex and technical judgements, and the poor morale of employees who have no effective avenues for review of concerns about public safety, harassment, intimidation, favoritism and other employee questions outside of the managers responsible for establishing and implementing the policies giving rise to the concerns. Support of both the public and the corporation's employees is directly related to the future wellbeing of the Tennessee Valley Authority.

Establishment of an Office of Inspector General for the Tennessee Valley Authority will provide the board, the employees and the people of the service area with an independent and objective review and appraisal of the corporation's policies and the implementation of those policies and thus strengthen the corporation by enhancing the confidence of the people in the economy, efficiency effectiveness of the corporation's activities.

SEC. 2. ESTABLISHMENT OF OFFICE.

The Inspector General Act of 1978 (hereafter in this Act referred to as the "Act") is amended—

(1) by inserting "the Tennessee Valley Authority," after "the Small Business Administration," in section 2(1);

(2) in section 11(1)—

(A) by striking out "or the Administrator" and inserting in lieu thereof "; the Administrator"; and

(B) by striking out "Veterans' Affairs," and inserting in lieu thereof "Veterans' Affairs; or the chairman of the Board of Governors of the Tennessee Valley Authority;"

(3) in section 11(2)—

(A) by striking out "or the Agency" and inserting in lieu thereof "; the Agency"; and

(B) by striking out "Veterans' Administration," and inserting in lieu thereof "Veterans' Administration; or the Tennessee Valley Authority;".

SEC. 3. SPECIAL PROVISIONS RELATING TO THE TENNESSEE VALLEY AUTHORITY.

The Act is further amended by inserting after section 8A the following new section:

"SPECIAL PROVISIONS RELATING TO THE TENNESSEE VALLEY AUTHORITY

"SEC. 8B. (a) In addition to other duties and responsibilities specified in this Act, the Inspector General of the Tennessee Valley Authority shall receive public comments on the corporation's policies on electric power rates and on the corporation's periodic rate adjustments, and shall review the appropriateness of the corporation's actions under the mandates of the Tennessee Valley Authority Act and other applicable legislation, and shall report the findings to the Chairman of the Board and to the Congress.

"(b) In addition to the Assistant Inspector Generals provided for in section 3(d) of this Act, the Inspector General of the Tennessee Valley Authority shall, in accordance with applicable laws and regulations governing appointments in the Tennessee Valley Authority appoint an Assistant Inspector General for Rate Review who shall have the responsibility for review of electric power rates of the Tennessee Valley Authority. In reviewing such rates, the Assistant Inspector General shall take into account the directives of the Tennessee Valley Authority Act as to revenue requirements and other policies; the cost-of-service principle that each class of customer should bear the costs incurred by the corporation in serving that class; and the obligation to operate the electric power system so that electric energy is available to users at the lowest possible cost.

"(c) In addition to complying with the requirements of section 5, the semiannual report of the Inspector General of the Tennessee Valley Authority shall

(1) include a description of any significant problems affecting the corporation's ability to provide electric energy to consumers at the lowest possible cost.

(2) include a description of any significant problems or delays in transfers of other offices or agencies, or functions, powers or duties thereof, as are properly related to the functions of the Office and would, if so transferred, further the purposes of this Act."

SEC. 4. TRANSFERS OF FUNCTIONS.

Section 9(a)(1) of the Act is amended—

(1) by striking out "and" at the end of subparagraph (M); and

(2) by inserting after subparagraph (M) the following new subparagraph:

"(O) of the Tennessee Valley Authority, the office of that agency referred to as the 'Office of Auditing and Evaluation' and that portion of the office referred to as the 'Office of General Counsel' responsible for the evaluation of complaints concerning fraud, waste and abuse; and".

SEC. 5. EFFECTIVE DATE.

The amendments made by the Act shall take effect on 60 days after becoming a public law.

## LOTTERY ADVERTISING CLARIFICATION ACT OF 1985, H.R. 3431


### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES


*Tuesday, October 1, 1985*

**Mr. FRANK. Mr. Speaker, I join my colleagues, Mr. WORTLEY, Mr. REID, and Ms. VUCANOVICH in introducing legislation to modernize and clarify Federal restrictions on the advertising of charitable and other legal State-regulated lotteries.**

**Current Federal laws were intended to prohibit entirely the interstate importing, transporting, mailing, and broadcasting of information related to "lotteries" within the United States. A "lottery" has been defined to include any activity in which a prize is distributed according to chance in exchange for some consideration. These activities can include bingo or raffles conducted by church or other educational or charitable organizations, State-run lotto or numbers games, jai-alai, greyhound or horse racing, casino gaming, or any other "game of chance." A limited exception to this rule permits advertising of State-conducted lotteries within the State conducting the lottery, or in an adjacent State which also conducts a lottery. Under this antiquated law, individuals could be criminally prosecuted if they post or circulate a notice of a Saturday night bingo game or a charitable raffle in another State or inadvertently run an advertisement in a local newspaper with an interstate circulation.**

**Federal restrictions on lottery advertising were originally enacted more than 100 years ago to combat the spread of completely unregulated and generally fraudulent wagering schemes. The remnants of these century-old prohibitions are found in 18 U.S.C. 1302 and 18 U.S.C. 1304, which provide criminal penalties for mailing or broadcasting information concerning a "lottery, gift-enterprise, or similar scheme." These laws have lingered as part of the Criminal Code even into the present era, where fully 45 States permit wagering on bingo, where at least 36 States allow betting on horse races, and where 18 States themselves conduct lotteries.**

**Numerous U.S. Supreme Court decisions over the last decade have "cast serious doubt upon the enforceability" of these Federal criminal statutes, according to testimony by the Department of Justice in Senate Judiciary Committee hearings last summer. The Court's commercial speech decisions including *Bigelow* v. *Virginia*, 421 U.S. 809 (1975) have consistently ruled that truthful commercial speech which advertises a lawful activity is protected under the first amendment of the U.S. Constitution. In that case, the Court ruled that the purveyor of business legal in the State in which it is carried on is free to advertise that business in any other State, even if the business would be illegal if carried on in the State in which the advertisement appears.**

**Given that holding, the Department of Justice concluded that the Federal Government may be unable to enforce laws prohibiting the advertisement of lotteries legal in the State in which they are conducted. The legislation introduced today intends to restore consistency between the lottery laws and the Supreme Court's decisions concerning commercial speech. At the same time, by lifting the Federal criminal prohibitions against the dissemination of information relating to legal lottery activities that are operated subject to State supervisory authority, we restore the enforceability of the Federal laws against advertising of illegal lotteries.**

**Parimutuel horse racing provides but one example of just how difficult the existing lottery statutes are to apply. While there are some older judicial decisions that held horse racing to be a lottery, the overwhelming weight of the more current decisions excludes horse racing from these statutes because of its status as a "sport." As a result of this ambiguity, horse racing is frequently advertised both in the written and electronic media.**

**The contradiction of these laws is exemplified in their preclusion of mailed or broadcast advertising of charitable raffles, church bingo games, and other lotteries conducted for civil purposes. Currently, advertising and detailed information concerning these fundraising activities cannot even be broadcast or distributed by newspapers sent by mail or out-of-State by other means. Smaller newspapers are frequently precluded from carrying lottery advertisements that can be carried by their larger competitors which print separate regional or interstate editions.**

**Under my proposal, the use of the mail by promoters of an illegal lottery activity would continue to be strictly prohibited. The use of the mail by promoters of legal lottery activity would continue to be severely restricted so that the mailing of lottery tickets and other instruments or paraphernalia would be prohibited.**

**In conclusion, the "Lottery Advertising Clarification Act of 1985" introduced today would restore the enforceability of existing lottery laws while preserving first amendment protections for all Americans. These laws would continue to protect our citizens against illegal or fraudulent lottery activities and, when coupled with State regulations, would preserve the current legal framework which effectively regulates these commercial activities. The promoters of legal and regulated lottery activities, including State-run numbers games, charitable raffles, church bingo games, and other lotteries conducted for civil purposes would be permitted to advertise their business activity in written and broadcast media which travel across State boundaries in a manner consistent with previous Supreme Court interpretations of the first amendment. States will continue to benefit from State owned and regulated private businesses which provide employment, create demand for goods and services, stimulate jobs in other sectors of the economy, and pay substantial taxes and licensing fees.**

**I commend the attention of my colleagues to this issue and encourage your support and cosponsorship for this logical reaffirmation of our constitutional obligations.**

**The text of H.R. 3431 follows**

H.R. 3431

A bill to clarify certain restrictions on distribution of advertisements of State authorized Lotteries, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE

This Act may be cited as the "Lottery Advertising Clarification Act of 1985".

SEC. 2. FINDINGS.

The Congress finds that—

(1) section 1301 of title 18, United States Code, prohibits the mailing or broadcasting of information related to lotteries within the United States;

(2) an exception to this general rule permits advertising of State conducted lotteries within the State conducting the lottery or within an adjacent State which also conducts a lottery;

(3) these statutes, which were originally enacted over one hundred years ago, require revision and clarification as a result of recent court rulings which have drawn into question their enforceability and constitutionality;

(4) revising and clarifying these Federal criminal prohibitions against the dissemination of lottery information to be applicable solely to illegal or unregulated activities will—

(A) restore their enforceability and protect citizens against illegal, unregulated or fraudulent enterprises;

(B) increase the revenues of legal and regulated lotteries many of which are widely utilized by public, charitable, and religious organizations to generate a substantial portion of their operating revenues;

(C) restrict the use of the mail by promoters of lottery activities;

(D) eliminate discrimination against smaller newspapers which are precluded from carrying lottery advertisements now published in larger newspapers that can print separate regional editions; and

(E) provide increased employment opportunities, increased demand for goods and services and substantial tax revenues and licensing fees from State-owned or authorized lotteries.

SEC. 3. AMENDMENTS RELATING TO IMPORTATION, TRANSPORTATION, MAILING, AND BROADCAST OF ADVERTISEMENTS FOR LEGAL LOTTERIES AND SIMILAR ENTERPRISES OFFERING PRIZES DEPENDENT ON CHANCE.

(a) AMENDMENT TO TITLE 18, UNITED STATES CODE.—Subsection (a) of section 1307 of title 18, United States Code, is amended by striking out "conducted by" and all that follows through the end of the subsection and inserting in lieu thereof ", gift enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance, if the lottery, gift enterprise, or similar scheme is authorized and regulated by the State in which it is conducted.".

(b) AMENDMENT TO TITLE 39, UNITED STATES CODE.—Section 3005(d)(1) of title 39, United States Code, is amended by striking out "a newspaper" and all that follows through "such a lottery," and inserting in lieu thereof ", advertisements, lists of prizes, or information concerning a lottery, gift enterprise, or scheme for the distribution of money or of real or personal property, by lottery, chance, or drawing of any kind, if the lottery, gift enterprise, or scheme is authorized and regulated by the State in which it is conducted.".

SEC. 4. TECHNICAL AMENDMENTS.

(a) AMENDMENT RELATING TO TITLE 18, UNITED STATES CODE.—(1) The section heading of section 1307 of title 18, United States Code, is amended to read as follows:

"§ 1307. Exceptions relating to certain advertisements and to State-conducted lotteries.".

(2) The item relating to section 1307 in the table of sections for chapter 61 of title 18, United States Code, is amended to read as follows:

"Section 1307. Exception relating to certain advertisements and to State-conducted lotteries".

(3) Subsection (d) of section 1307 of title 18, United States Code, is amended by inserting after "purposes of" the following: "subsection (B) of".

(4) The first sentence of section 1304 of title 18, United States Code, is amended by inserting after "radio" the following: "or television."

AMENDMENTS RELATING TO TITLE 39 UNITED STATES CODE.—Subsection (d)(2) of section 3005 of title 39, United States Code, is amended by striking out "such a lottery" and inserting in lieu thereof "a lottery conducted by a State acting under authority of State law.".

## APARTHEID'S FUTURE

### HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

**Mr. GARCIA. Mr. Speaker, the September 29 edition of the New York Times contained an article by Peter Grothe, a professor at the Monterey Institute of International Studies, on South Africa.**

**Professor Grothe makes a comparison between South Africa in 1985 and 1980. He sees the situation there as reaching a boiling point. His prognosis for the future is not overly optimistic. Nonetheless, I submit Professor Grothe's article for the RECORD.**

QUICKENING CHANGE IN SOUTH AFRICA

[From the New York Times, Sept. 29, 1985]

(By Peter Grothe)

MONTEREY, CALIF.—A visitor returning to South Africa after an absence of five years is reminded of the story of the old fellow who heard the clock strike 13 and said, "It's never been this late before."

When I was in South Aftica in 1980, giving guest lectures at universities, a highly respected Western diplomat told me that the most likely model for change in South Africa was not Mount St. Helens but rather a boiling caldron.

In his view, then, a large and sudden eruption was unlikely. What he expected instead was limited black violence that would be met by repression from the Government, followed by limited accommodation and then a period of relative quiet. A series of such cycles of violence, repression and limited accommodation would, he thought, take place over a period of years until fundamental change had been accomplished.

At the time, I found this prediction plausible. It may still be, but my recent trip suggested that the Mount St. Helens metaphor is perhaps more appropriate today than it was five years ago.

The returning visitor finds nine significant differences between South Africa in 1980 and 1985.

First, unlike five years ago, blacks now feel a genuine sense of power and a decreasing reluctance to use it. Many blacks recognize that the South African Army and police are the strongest in Africa and that, in a violent confrontation, blacks would come out the losers. Nevertheless, many militant young blacks are ready for violence—including violence in white areas. Perhaps more important, the power to withhold one's labor and to boycott white stores gives blacks enormous economic clout, and they are now aware of it.

Second, the perceptual gap between ruling Afrikaners and blacks has widened. Whites point with pride to abolition of some of the worst aspects of apartheid—many of the better hotels and restaurants have been integrated, for instance, the mixed-marriage law has been abolished and many blacks are being promoted to middle-level jobs. Many Afrikaners speak about the enormous significance of these changes and the sacrifices they have made. The black view was summed up by one resident of Soweto: "Man, that's nothing but cosmetics. 'I'll only be satisfied when I get the vote."

Blacks and Afrikaners also have different timetables for change. Members of the Government talk about gradual, long-range solutions. The patience of the blacks is wearing thin. They want one man, one vote—and they want it now. The Rev. Beyers Naude, the general secretary of the South African Council of Churches, told me: "My fellow whites have no idea of the deep sense of outrage in the black townships."

Third, five years ago the economy was strong. Now it is in turmoil. Many white business leaders, terrified by economic alarm signals and by the specter of foreign banks refusing to roll over their short-term loans, have urged the Government to release Nelson Mandela, negotiate with the banned African National Con and immediately dismantle the apartheid system. This would have been unheard of even six months ago.

Fourth, Afrikaners—once called "the white tribe of Africa"—are no longer unified. A significant and vocal minority has bolted the ruling National Party and formed their own ultraright group, the Conservative Party. Many observers see this faction, which argues against all concessions to blacks, as a constraint on President P. W. Botha's announced intentions of reform.

Fifth, there have been perceptible shifts in the attitudes of many whites in the last five years. The Afrikaner students I met seemed to be troubled and searching. Most seemed to hold views more liberal than those of their parents' generation. English-speaking students, who have traditionally held more liberal views than Afrikaners, have gone even further. Many of them now seem willing "to put their bodies on the line," as they did last month when hundreds of demonstrating Cape Town University students were whipped and tear-gassed by police. Further, many more English-speaking whites are now considering emigration. One English-speaking businessman told me: "More than half of my friends are planning to leave the country."

Sixth, there are growing fissures among blacks. Militant young blacks are becoming increasingly impatient with the moderate views of their parents' generation and with moderate leaders like the Zulu chief, Gatsha Buthelezi, and Bishop Desmund Tutu. Meanwhile, the Government continues to jail or ban moderate black leaders who want peaceful change, causing young militants to ask: "Look, the Government arrests the peaceful moderates. What option is there other than violence?"

Seventh, although President Botha denies it, it is quite clear that white South Africans are much more sensitive to outside political and economic pressures than used to be the case. Talks with many whites and a perusal of the press leave no doubt about this, and it would suggest that President Reagan's tranquilizing notion that the Botha Government has substantially solved its problems makes for the wrong strategy at the wrong time.

Eighth, blacks are experiencing what the American historian Crane Brinton once called "the revolution of rising expectations." When Rhodesia became Zimbabwe, South Africa became the last white domino on the continent. President Botha said to whites, "Adapt or die." Those and other events have given blacks the expectation

that the complete dismantling of apartheid is within reach—not for their grandchildren's generation, but for them.

Finally, in the fall of 1980, President Jimmy Carter was extremely unpopular with South African whites and extremely popular with blacks. In sharp contrast, Ronald Reagan is extremely popular with whites and arguably the most unpopular President in American history with blacks.

What conclusions can one draw? No one can accurately predict the future, and the caldron may continue to simmer, more or less quietly, for some time to come. Yet most of the trends I noticed suggested to me that a volcanic eruption becomes more and more likely with every passing month.

In Alan Paton's classic novel, "Cry The Beloved Country," a black South African clergyman says about whites, "I have one great fear in my heart—that one day when they are turned to loving, they will find that we are turned to hating." It strikes me now as a sadly accurate prophecy.

## ITALIAN-AMERICAN CONTRIBUTIONS HONORED

### HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

**Mr. MORRISON of Connecticut. Mr. Speaker, the story of our Nation is the story of immigrants, a story of journeys from the old to the new, of brave and resourceful men and women who left their homes in search of a better life in a new land. Christopher Columbus led the way for the millions who followed, and in celebrating his journey every year we celebrate the contributions of the many immigrants who wove their fates into the rich fabric of America.**

**Columbus Day has special signficance for Connecticut's Third District, a district blessed with a large and thriving Italian-American community, proud of its rich heritage. On October 12, the Columbus Day Committee of Greater New Haven will hold its annual dinner dance celebration in honor of the contributions of Columbus and the many sons and daughters of Italy who followed him.**

**The Columbus Day Committee is a nonprofit organization with a long history of working to promote public awareness of Italian-American contributions. This year's theme is a "Salute to the Arts" and the guest speaker at the dinner will be Hon. Daniel Terra, the U.S. Amabassador-at-large for Cultural Affairs.**

**I would like to commend the people who have made this year's dinner dance celebration possible. While it is impossible to mention everyone, I would like to give special recognition to Police Chief John P. Ambrogio of Hamden, general chairman of the Columbus Day Committee and Anita Guarino and Frank Perri, co-chairmen of the dinner-dance celebration.**

**When we celebrate the anniversary of Columbus' journey, we celebrate the achievements of the past and the promise of the future. We celebrate the American dream.**

**Mr. Speaker, I congratulate the Columbus Day Committee of Greater New Haven on the eve of their annual dinner dance celebration, and wish them many more years of success.**

## HERE'S THE BEEF: MONFORT OF COLORADO

### HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

**Mrs. SCHROEDER. Mr. Speaker, while many companies are pestering Congress for high tariffs, quotas, and the like, Monfort of Colorado, Inc., is moving in a different direction.**

**The meat processing firm is creatively experimenting with new products for today's convenience and health conscious consumer.**

BEEF PRODUCTS WITH SEX APPEAL

(By Thomas Schilling)

GREELEY.—Researchers at Monfort of Colorado, Inc.'s headquarters here are searching for beef products with sex appeal in preparation for the company's first foray into the nation's supermarkets.

The company wants to find more stable sources of profits after spending 20 years buying, feeding and butchering cattle, then selling their carcasses to beef wholesalers—a business that garnered $1.5 billion in sales and $15 million in profits last year.

At its $12 million processing plant in Hastings, Neb., the company is using state-of-the-art equipment to prepare deli meats and, eventually, such as frozen entrees as sauerbraten, medallions of tenderloin in Burgundy sauce and fajitas.

During an era when beef and red meat are depicted as unhealthy, Monfort of Colorado's entry into the consumer markets gives the stagnated beef industry a new weapon in its battle against the more aggressive poultry producers.

Besides squaring off with chicken nuggets and turkey patties, Monfort of Colorado—a company with no mass-marketing expertise—will be competing against such giants as the Campbell Soup Co. and Oscar Meyer.

"We have always thought of ourselves as a commodity company, sort of like an auto plant in reverse," said Kenneth Monfort, president and chief executive officer. "But we think there is an opportunity in these new products."

The new products—which eventually will account for up to 10 percent of Monfort of Colorado's income—will offer a more stable source of profits, less sensitive to the swings of the commodity markets than the carcass business that the company has relied upon for so long, Monfort said.

"There is more profit in processing the products," said Glenn Schmidt, a Colorado State University agriculture professor who is advising the company's researchers.

But it's a big step for the company that's never mass marketed a product and has little identity among consumers. Packages of the new Monfort Gold deli meats are in area supermarkets, some grocers said.

But consumer attitudes toward meat complicate Monfort of Colorado's effort. Research indicating that fatty foods such as red meat may cause cancer and other health problems has driven many consumers away from beef and to poultry.

Monfort makes no secret of his skepticism. "Will we go into this in a big way? I don't know," he said. "Part of it is getting me emotionally ready to do some of these things."

Despite Monfort's pessimism, his company is being hailed in the beef industry for taking a few tentative steps toward offering consumers new beef products.

Beef producers have been somewhat slow adjusting to consumer trends, and some analysts believe that's reflected in the decline of beef consumption. From a high of 91.7 pounds per person in 1977, consumption fell to 77.4 pounds last year.

"They have been selling the same cuts—steaks and roasts—for years," said Roger Berglund, spokesman for the National Cattlemen's Association.

Most consumers are looking for foods that can be prepared quickly, usually within 30 minutes, Schmidt said. That convenience is lacking in many traditional beef cuts. A chuck roast, for example, may take several hours to cook, Berglund said.

"The consuming public is changing," said Schmidt, "and prepared cooked products fit into those changes."

So far, it's been the new poultry products that have captured the consumer's imagination.

While beef declined, poultry consumption rose from 53.2 pounds per person 1978 to 65.6 pounds last year—an increase of 25 percent.

Much of that success can be attributed to innovative products such as chicken and turkey patties, nuggets, delicatessen items and a growing number of frozen entrees. Beef can use the same techniques to increase its sales, say analysts.

"I do think that to be competitive, they have got to come up with some convenience-oriented products," said Mikki Dorsey, editor of the Lempert Report, a food marketing journal. "And they can do it—just look at what the frankfurter industry did by putting stuffings like cheese or chili inside the frankfurters. Their sales were way down, and it helped bring them back."

Monfort and others in the beef industry are defensive about their products, claiming that all of the beef produced is sold, despite turkey patties.

However, beef prices are far lower than they were a decade ago and Monfort of Colorado's researchers and marketers see the chicken nuggests, turkey patties and their ilk as the enemy.

"We're trying to compete with poultry," said Rhonda Miller, director of research and development. "We're trying to get dollars back from chicken and turkey."

Monfort of Colorado's first foray into the consumer market has been in deli meats, offering 12-ounce packages of such pre-cooked products as corned-beef brisket, roast beef and pastrami. The company already had been selling beef products to supermarkets for deli counters and had supplied individual steaks and other beef and lamb cuts to restaurants for many years.

The initial response to Monfort's prepackaged meats has been restrained except in upper-income, white-collar neighborhoods, say grocers and the company's marketers. But if the products are properly marketed, they say, they will sell well.

"We think it will be a slow sales builder, but it's definitely a product whose time has come," said Jeffery Stroh, a spokesman for

Safeway, which has offered Monfort Gold in its Denver-area stores since midsummer.

"The products look real promising," agreed Jan Loutzenhiser, vice president of manufacturing and distribution for King Soopers, which already sells Monfort Gold corned beef and will begin offering more products this week.

But research at Monfort of Colorado doesn't stop at the deli counter. A list of potential products on the desk of Robert Parris, vice president of sales, includes 21 new entrees ranging from common plates such as roasted prime rib to exotic offerings such as seared lamb kabobs.

"We have some ideas for some more exotic offerings," said Parris. "They have a lot of sex appeal."

But in the eyes of some hardcore beef-and-potato fans, one of Miller's projects may have gone too far when it employed a seaweed extract to enhance a beef classic—the steak.

The company used the seaweed byproduct as a gel to hold together shredded beef molded into a steak as part of the effort to make beef products more visually appealing, Miller said. Because the seaweed extract binds the meat together without being frozen, it allows the steaks to display a fresh, red color when placed in supermarket meat counters, said Miller.

The seaweed steak still is in the research stage, she said.

Monfort has his reasons for being skeptical about his company's entrance into the consumer arena. The company has no consumer marketing experience, its name is not well-known by shoppers and it faces stiff competition from Campbell Soup Co., Armour Foods and Oscar Meyer, all of which are developing beef products.

"I think the market is ripe—but there will still be product failures," agreed Schmidt. "You have to enter this business carefully."

Although he controls one of the nation's largest beef empires, Monfort remembers the bad times in 1980 when the company suffered a $23 million loss. He intends to move carefully into a market that appears profitable but is filled with risk.

"In 1980, our company got into serious financial trouble," said Monfort. "I will be careful now not to do things that we can't afford to do."

## FIRING THE HIRING SCOREKEEPER

### HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

**Mr. EDWARDS of California. Mr. Speaker, for too long in our Nation, women and minorities have been denied equal opportunities in employment. As a step to rectify this longstanding problem, President Johnson signed Executive Order 11246 in 1965, which requires Federal contractors to use affirmative action to offer employment opportunities to women and minorities. For 20 years, this requirement of affirmative action, using numerical goals and timetables to measure progress, has helped to integrate the American work force. Both employers and employees have grown comfortable with the present requirements.**

**The administration is planning to revise the affirmative action requirements. Goals and timetables will still be allowed, but will no longer be necessary. Scant positive action will be required on the part of Government contractors. Assertions of good faith efforts will replace real measurements of progress. Although the administration does not plan to consult with the Congress on changes to the Executive order, I believe that the following editorial from the New York Times will be informative to our colleagues.**

[From the New York Times, Sept. 23, 1985]

FIRING THE HIRING SCOREKEEPER

For 20 years, the Federal Government has used its own business to promote the nation's business. Companies that want contracts must agree to affirmative-action requirements that open job opportunities to women and minorities. This progressive program works, yet for some reason it displeases the Reagan Administration.

Officials are rewriting the affirmative-action requirements. The Administration is not proposing openly to leave the field in the contest against hiring discrimination, but this tinkering threatens to do something just as decisive: fire the scorekeeper.

The Departments of Labor and Justice are still contending over the new executive order, which Labor Secretary Bill Brock indicates may soon be ready for the President to sign. Is the Administration sincere about wanting to improve job opportunity? The tip-off will be what the order says about goals and timetables.

Federal contractors have not had to meet arbitrary or rigid quotas for hiring women and minority members. But when these are underrepresented, an employer must at least develop goals and timetables for hiring and promotion. For example, if minority members represented 50 percent of the available labor force, a contractor with only 5 percent minority employees would have to take reasonable steps to narrow the gap.

Reporters recently obtained the first draft of a new order. It would merely require that contractors expand the pool of minority members and women considered for hiring and promotion, with no measurement of success or progress. A later draft reportedly would allow contractors to post numerical goals, but only on a voluntary basis.

Both proposals are empty. In a recent speech, Attorney General Edwin Meese argued stubbornly that "counting by race is a form of racism." But without measurable standards, there's no way to determine whether contractors are complying. What sanction can be imposed against a contractor who simply must interview, but not necessarily hire, more minorities and women?

The original executive order included regulatory teeth, geared to goals and timetables, precisely because contractors had not abandoned traditional practices voluntarily. Now, after 20 years of Federal attention, many companies welcome the affirmative-action requirement to increase female and minority representation and to avoid reverse-discrimination lawsuits from white males.

The Government can do business with whomever it chooses. It can, indeed should, impose non-discrimination principles on companies that benefit from that business. Numerical standards are the only effective way to measure compliance. But its tortured tinkering with the executive order, the Administration ignores history and discloses its intent. It doesn't want to play the game fairly. It doesn't even want to keep score.

## H.R. 3471, A BILL TO PROVIDE A RELIABLE, FAIR, AND SUFFICIENT SOURCE OF REVENUE FOR THE SUPERFUND PROGRAM

### HON. W. HENSON MOORE

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

**Mr. MOORE. Mr. Speaker, the reauthorization of Superfund is the single most important environmental issue of this Congress and for my State. Louisiana is one of the few States that pays a significant portion of the tax and also has a significant toxic waste problem. We see both sides of the problem.**

**Louisiana's economy is dependent on the industries most affected by the current Superfund tax. The petrochemical industry is accountable for one out of every eight jobs in Louisiana. U.S. petrochemical products are already declining in world competitiveness as foreign petrochemical feedstocks are subsidized by foreign governments. The tax structure of our Superfund Program must not add to the burden our U.S. industries are already being forced to bear. Instead, we must look for alternatives that ensure adequate resources for cleanup.**

**The current funding mechanism of the Superfund Program which relies exclusively on the feedstock taxes is fatally flawed in a number of respects. First, it is completely arbitrary. The tax burden is not fairly related to the responsibility for prior cleanups, nor is it related to future anticipated problems. Second, not only is the tax not trade neutral, it actually advantages foreign imports in the U.S. market. Although current feedstock taxes apply to imported feedstocks, the tax is being avoided by foreign producers who, rather than importing the feedstock, import a derivative product. Such tax avoidance gives imports an unfair competitive advantage. My bill, H.R. 1775, will correct that problem with a much needed tax on imported derivative products. However, the fact remains that any increased burden on feedstock taxes will create competitive problems for U.S. producers.**

**This is especially troubling in my State of Louisiana which has a high concentration of feedstock production. More than 25 percent of the total feedstock taxes collected from feedstock production are derived from Louisiana. Yet there are only five national priority list sites being cleaned up by the Superfund. This is primarily because companies producing in Louisiana are already taking the responsibility for their past sites and are developing sophisticated new methods of treatment in an effort to prevent future toxic waste sites. These companies are paying twice. First for the cleanup of that for which they are responsible, and second for the cleanup of the rest of the Nation where responsible parties cannot be found.**

**There is no question that we will increase our economic resources committed to the**

cleanup of hazardous waste. The question is how, and who will bear the burden?

On March 27, 1985, I introduced H.R. 1775, a bill to provide a reliable and fair source of funding for the Superfund Program. It is balanced equitably between a feedstock tax, a waste-end tax and general revenues, with each component financing approximately one-third of the $5.3 billion that the administration requested for the reauthorization of Superfund. Today I am introducing a bill that will meet the same objectives of equity and fairness and provide up to $10 billion of revenues, in the event that Congress decides that that level of funding is needed. I believe that there is a serious doubt as to whether $10 billion is an appropriate funding level and I intend to be an active participant in the debate when the issue is taken up. However, upon introduction of H.R. 1775, I made it clear that, to the extent that anyone can devise a way to accelerate the cleanup program further, without wasting resources, I certainly will support and encourage providing the necessary resources.

The other body has adopted a Superfund reauthorization bill requiring funding of $7.5 billion and our Committee on Energy and Commerce has recommended funding of $10 billion. If Congress decides that $10 billion in toxic waste cleanup is the appropriate level during the next 5 years, this bill provides a funding structure sufficient to meet that objective. The $10 billion of resources that would be provided in this bill include:

First, a much-needed import tax on derivative products. Although current feedstock taxes apply to imported feedstocks, the tax is being avoided by foreign producers who, rather than importing the feedstock, import a derivative product. Such tax avoidance gives imports an unfair competitive advantage. My import tax will correct that problem.

Second, a waste-end tax to discourage the most environmentally risky waste-management practices and to encourage the generation of less toxic wastes. More than 80 percent of the people recently surveyed in Louisiana believe that those who generate the waste should help pay for the cleanup. This tax will achieve that goal and will encourage the development of new and better methods of treatment.

Third, a feedstock tax on crude oil and feedstock chemicals in the same proportion as EPA's recently released 301 studies. My bill modifies the feedstock rate schedule to achieve a more equitable distribution of the tax burden while not increasing the total revenue from that collected under current law. The portion of the feedstock tax attributable to crude oil would decrease from 15 percent under current law to 3 percent under my bill. Similarly, the portion attributable to organic feedstocks would decrease from 65 percent to 38 percent and the share of inorganic feedstocks would increase from 20 percent to 59 percent. This lessens the tax on Louisiana oil and chemicals and shifts to waste-end as EPA study says should be done.

Fourth, a broad-based tax on large corporations. As the EPA studies show, many industries benefiting from past toxic waste disposal practices make no contribution to Superfund. My bill would make them contribute with an administratively simple tax based on the FICA tax base. The tax would be rebated on exports, thus enabling our products to better compete abroad.

Fifth, general revenue contributions—equivalent to each of the major sources of tax revenues. As this Congress chooses, and rightfully so, to place a greater priority on hazardous waste cleanup, our Federal commitment must also increase.

Sixth, borrowing authority. This program should be given the flexibility to meet its crucial task and thus, should have the authority to borrow if the tax receipts fall short of the needed level. My bill would create such authority.

Seventh, recoveries of amounts from responsible parties. Those who are responsible for the site and can be identified should pay for its cleanup. My bill extends this important provision of current law.

Finally, it is expected that an additional $2 billion will be generated in private party expenditures outside of Superfund. Those expenditures would raise the total level of resources directed at our Nation's total cleanup effort to $10 billion.

For us to fail to commit the resources necessary to assure that the next generation is protected from the dangers posed by hazardous waste sites would be unthinkable. We should, and I believe my bill would, fund cleanup of past problems on a fair and efficient basis and encourage prevention of future problems. However, in deciding the appropriate level of funding, Congress must be careful not to assume that throwing money at this problem will solve it. I am deeply concerned that we seek an effective and economically efficient long-term solution. We should not merely transfer the hazardous-waste risk from one geographic area to another, which is exactly what could happen, unless this program is managed with technologically effective solutions. We must assure ourselves that we are solving the Nation's hazardous waste problem and not compounding it with Government waste.

Mr. Speaker, I have worked for more than a year to develop the Superfund tax structure that is fair, broad based and that encourages sound environmental disposal and treatment of toxic waste. I believe that there is perhaps one principle above all others that Congress must respect in the reauthorization process. Business and economic expansion and protection of our environment are not mutually exclusive goals. I believe that this bill and H.R. 1775 respect both goals.

## HELSINKI COMMISSION TO DISCUSS CSCE PROCESS

### HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

Mr. HOYER. Mr. Speaker, the Commission on Security and Cooperation in Europe, commonly known as the Helsinki Commission, will hold a hearing to discuss the future of the CSCE, or Helsinki, process. The hearing will take place at 10 a.m. on Thursday, October 3, in room 538 of the Dirksen Senate Office Building.

The Helsinki Final Act was signed by the heads of all the nations of Europe except Albania, plus the United States and Canada, on August 1, 1975. In celebrating the 10th anniversary of that event this last summer, the process created by the Final Act has come under close scrutiny, particularly in light of the blatant violations of Final Act's provisions on human rights, family reunification and other humanitarian concerns by the governments of the Soviet Union and Eastern Europe. Some believe that the United States should withdraw from the Helsinki process because of the continuing violations. Others have argued that these same violations make CSCE all the more necessary as a way to focus world attention on the wide gap between the East bloc's words and deeds.

The Commission, created by the U.S. Congress to monitor and encourage compliance with the principles and provisions of the Final Act by all signatory states, believes that the success of the Helsinki process depends largely on the input of organizations and individuals concerned with human rights. While such groups in the West have played a positive role in promoting human rights, similar groups in the Soviet Union and the countries of Eastern Europe have not been allowed to organize and speak out freely on abuses in their own or in other signatory states. Instead, members of such groups have been imprisoned, incarcerated in psychiatric wards or forcibly exiled in the West for taking their governments' commitments in the Final Act seriously.

The Commission is holding the October 3 hearing to learn the views of several well-known nongovernmental organizations concerned with human rights in the Soviet Union and Eastern Europe on how the United States can best promote human rights through the Helsinki process. We will also hear from former members of the Moscow Helsinki Monitoring Group on what CSCE has meant for dissent in the Soviet Union. The full witness list is as follows:

Rita Hauser, International Parliamentary Group for Human Rights in the U.S.S.R.

Jeri Laber, Helsinki Watch Committee.

Yuri Yarim-Agaev, Moscow Helsinki Group and Resistance International.

Lyudmilla Alexeyeva, Moscow Helsinki Group.

Leonard Sussman, Freedom House.

The public and the press are invited to attend.

## A SALUTE TO A CHILI CHAMPION

### HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

Mr. RICHARDSON. Mr. Speaker and my distinguished colleagues, I recently had the pleasure of meeting a world champion chili cook. As you might well expect, chili cooking is serious business in the Southwest—even the spelling of the word has been the focus of debate during the 99th Congress.

I would like to draw attention to a constituent of mine from the Third Congressional District of New Mexico who holds the distinction of winning both red and green chili cooking world class competitions. Mr. Harold R. Timber of Taos, NM, won the red chili champion cookoff in October 1983 competing against contestants from the 50 States and from such foreign countries as: Mexico, England, and New Zealand—not to mention the U.S. Navy.

Mr. Speaker, to add to his credit Mr. Timber won the 1981, 1982, and 1983 world's fair green chili competition in Las Cruces, NM. Mr. Timber is the 1984 winner of the World's Fare Salsa Championship in Las Cruces, NM, and has displayed his chili cooking talents here in Washington, DC, during the "Chili Party U.S.A." in Lafayette Park. As you might expect, Mr. Timber is a strong supporter of a bill pending in the Congress to make chili or chile the national dish of the United States.

Mr. Speaker, I hope you and my distinguished colleagues will join with me in saluting Mr. Timber's accomplishments in achieving chili culinary excellence and for spicing up our lives.

## MIKE DEWINE LOOKS AT RELIGION IN NICARAGUA

### HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

Mr. HYDE. Mr. Speaker, the Catholic Church in Nicaragua has fallen upon hard times. One of the most disturbing aspects of this turn of events is that a small group of Catholic clergy has sided with the Sandinistas and are serving as apologists for the Marxists regime in Managua. One of these individuals is Fr. Miguel D'Escoto, a suspended Maryknoll priest who is presently serving as Nicaragua's Foreign Minister.

Fortunately, most of the clergy in Nicaragua have not been fooled by the liberation theology preached by D'Escoto and others who reinterpret the Gospels in an effort to reconcile Marxism with Christianity. Particularly noteworthy in this regard are the comments of Nicaraguan Cardinal Obando y Bravo, who says, "I thought liberation theology could help people and could play a role in reducing the enormous gap between rich and poor. But now, watching it in practice, I think this is unlikely because I see that it foments class hatred."

D'Escoto and Obando y Bravo voice sharply contrasting views of what must be done to bring peace and stability to their strife torn nation. Congressman MIKE DEWINE, one of the most knowledgeable members of the Foreign Affairs Committee on Central American matters, has carefully scrutinized the actions and rhetoric of the two clergymen and I would like to share with my colleagues his findings. They appeared in a recent edition of the Cincinnati archdiocese's Catholic Telegraph as a response to an editorial in that newspaper and I request that they be inserted at this point in the RECORD.

[From the Catholic Telegraph, Aug. 9, 1985]

LAWMAKER SCORES D'ESCOTO, SANDINISTAS

(By Congressman Mike DeWine)

I find in incredible that you would equate Cardinal Obando y Bravo of Nicaragua, truly a rallying point for social justice and religious freedom in Nicaragua, and Miguel D'Escoto, the suspended priest and Nicaragua Foreign Minister. A growing body of evidence indicates the religion of Father D'Escoto and the Sandinistas—the only religion—is Marxism.

Father D'Escoto's brand of Catholicism in Nicaragua is called the "people's church." Congressman Henry Hyde of Illinois visited the "people's church" in Managua, Santa Maria de Los Angeles. There is no crucifix behind the altar. Instead, he reported, there is a mural of Christ dressed as a guerrilla fighter.

The Sandinistas also have introduced "Masses without priests," which Pope John Paul has denounced.

Their treatment of the pontiff during his 1983 visit also is telling. John Paul found himself saying Mass at an altar backed by large murals of revolutionary figures—and no crucifix.

His celebration of the Mass in Managua was drowned out by Sandinistas equipped with megaphones packed into the first 10 rows of seats. Newsweek magazine, The Miami-Herald, The Washington Post and a host of other publications reported how the Pope struggled to be heard over organized chanting of political slogans, shouting three times "Silencio!"

Later, the Vatican issued a statement denouncing the Sandinistas' treatment, saying they "profaned" the Mass, debased his mission for political reasons, and prevented thousands from hearing him.

Pope John Paul put the choice to D'Escoto early this year—serve the church or serve the Sandinistas and D'Escoto chose the communist Sandinistas government. A Washington Post reporter met with D'Escoto a short time later and described the scene:

"We are sitting in a spacious thatched gazebo by the swimming pool, sipping cold drinks delivered by a maid. A gardener putters around in the tropical shrubbery and in the well-tended beds of exotic flowers. It is a day for water rationing in Managua, but the sprinkling goes on.

"A pair of German attack dogs—big and menacing killers bred first by Roman legionnaires in the years before Christ—stalk the lawns.

"There is a gleaming Mercedes-Benz sedan in the garage, smaller cars and several armed guards in the driveway. The estate, high on a hill, affords a magnificent view of Managua at night, lights glistening as in a diamond necklace. It is cut off from prying eyes by a high stone wall interrupted only by a huge gate of plate steel.

"Our host appears, a portly fortyish, bespectacled man wearing a tailored safari suit made of gabardine. He orders a glass of water from the maid. He is Miguel D'Escoto, the foreign minister of the Sandinista government in Nicaragua."

This is not the same kind of priest as Cardinal Obando, who has always been known in Nicaragua as a man of the people. When the dictator Anastasio Somoza once gave him a Mercedes, he raffled it off and used the proceeds for church work. When Somoza tried again with a long black limousine, the cleric returned it.

Cardinal Obando has been a peacemaker. Like Pope John Paul, he has called for reconciliation among Nicaragua's political factions. He has negotiated agreements between them and defused stand-offs that otherwise might have ended in violence.

D'Escoto and the Sandinistas, who have installed him in his mansion overlooking the city, aren't interested in reconciliation. They are interested in consolidating their revolution and choking off the last voices of resistance. D'Escoto, the priest, born in Hollywood, California, essentially has had the job of chief propagandist.

The latest media event is D'Escoto's "fast for peace." You printed his statment, which heaps all of Nicaragua's problems at the door of the United States. D'Escoto left his mansion for the fast and moved to the more photogenic "grounds of a church in a poor neighborhood in Managua . . . mostly in a small room furnished with a bed, a rocking chair, small religious paintings on a makeshift shrine, a photogrpah of the late Martin Luther King Jr. and posters," reports another Washington Post correspondent.

"Although D'Escoto has made it clear that he will not fast until death, there are daily briefings for journalists about the state of his health and bulletins on state radio," the correspondent continues.

Cardinal Obando, meanwhile, has suggested he does not think much of the fast and has questioned its motives. At one point, he read from the Gospel according to Matthew: "When you fast, don't be like the hypocrites who put on a sad countenance, for they make faces so that other men will know they are fasting."

While D'Escoto is directing attention toward the U.S. and away from Nicaragua's internal mess, the Sandinistas are tightening their hold on Nicaraguan life. When I visited Nicaragua this spring, people turned up the radio before they would talk for fear of government bugging and priests described how they must teach Marxism in Catholic schools. Meanwhile, the Sandinistas claim to be increasing literacy, but don't mention the textbooks teach children to count with pictures of grenades and guns.

I talked with a sidewalk produce vendor, who told me he had just been ordered by the Sandinistas to sell only to the government. And I met with the young priest who is Cardinal Obando's chief spokesman. He was stripped by Sandinista activists and chased naked through the streets while Sandinista cameramen filmed him for the evening news and said they had caught him

in "unpriestly relations" with a woman parishioner.

After all this, I fail to see how a Catholic publication could defend Miguel D'Escoto or believe that the final outcome of this Marxist-Leninist revolution will be any different than any other Marxist revolution in history—with the persecution of Catholics.

The Sandinistas' claims and promises have been heard before; we've also seen their modus operandi. Both the Soviet Union and Cuba say there is religious freedom in their countries. But the latest report from Cuba on the Catholic Church there tells quite a different story:

"About 800 priests and 2,225 nuns were in Cuba in 1959 serving 5.5 million people. Today, in a population of 10 million, Cuba has only 215 priests and fewer than 200 nuns. Many members of the Jewish and Protestant clergy also were forced to leave the country as a result of the government's policy.

"The church has no means of communication, no freedom of expression. Radio, television and newspapers are all state-owned. No word of proselytism is allowed and all meetings are to be conducted within the church. In 25 years, no new churches have been built and construction material for those in need of repair is often denied . . ."

The lights guiding D'Escoto and the communist Sandinista government are not those of Catholic social reform.

(U.S. Rep. Mike DeWine represents Ohio's Seventh Congressional District and is a member of the House Foreign Affairs Committee and its Subcommittee on Western Hemisphere Affairs, which has jurisdiction over issues involving Central America. He visited Nicaragua and El Salvador this spring.)

## THE WORDS OF AVITAL SHCHARANSKY

### HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

**Mr. COURTER. Mr. Speaker, the U.S.S.R. has not contented itself with ignoring the Helsinki accords it signed with such deliberation 10 years ago, but has made every effort to persecute the brave men and women who formed unofficial committees to monitor Soviet compliance with the agreements.**

**One such man, Anatoly Shcharansky, has been abused by the authorities for well over a decade for daring to ask the regime to live by its word. Recently his remarkable wife has written an eloquent essay on his plight. The New York Times has done well to give Avital Shcharansky a hearing, and today I want to broaden her audience by placing her story before all my colleagues in this House.**

[From the New York Times, Sept. 24, 1985]

SPEAK UP FOR SOVIET JEWS

(By Avital Shcharansky)

Some 400,000 Jews, among them my husband Anatoly, are being held hostage in the Soviet Union. Will any of these thousands ever taste the bright air of freedom in their ancient homeland, Israel? The American public and its officials might usefully put this excruciating question to the Soviet Foreign Minister, Eduard A. Shevardnadze, during his visit this month to the United States—for its answer lies entirely in the hands of his barbaric Government.

Tyrannies of all sorts have been known on earth, but until our day it has been virtually unheard of for any regime, no matter how despotic, to deny that most elementary of all political alternatives, the right to leave. Even Nazi Germany in the years before World War II grudgingly allowed free emigration—to say nothing of Russia under the Czars or South Africa under apartheid. In places where whole classes of citizens have been denied the right to vote, or the right to a free press or to freedom of religion, they have been given the right to emigrate. Not, however, in the Soviet Union.

Yet Moscow did in fact put its signature 10 years ago to the Final Act of the Helsinki conference. It thus conceded, among other things, that "everyone has a right to leave any country, including his own, and return to it." It is in accordance with this provision and with internal Soviet regulations that 400,000 Jews have asked to emigrate by requesting invitations from Israel. Yet last year only 896 were permitted to leave (and only 702 through August 1985), while leaders of Soviet Jewry languish in prisons and work camps.

To the charge of barbarism, then, we may add the charge of violation of an international agreement. In flouting this covenant, the Kremlin mocks the values on which civilization itself must rest. Does this not cast the darkest doubts on Moscow's present diplomatic efforts to impart an image of sweet reasonableness and moderation? Should this not put into question the Soviet Union's right to be admitted into the comity of nations?

Anatoly Shcharansky was refused a visa in 1973, but like many others he placed his hopes in the Helsinki convenant. In the mid-1970's, he served as a prominent member of a group that took it upon itself to monitor Soviet compliance. It was on account of these wholly legal activities—and not for the spurious crime of spying with which he was charged—that he was arrested and imprisoned more than eight years ago.

His fate since then is a macabre commentary on the brave words of the Helsinki accords. In 1977, he was sentenced to three years in prison and 10 years of hard labor. After transfer to a work camp, he was placed in solitary confinement for 90 days as punishment for lighting Hanukkah candles and reciting the Hebrew Psalms. While there, he was kept alive on a diet of bread and water, the bread on alternative days only. In November 1984, he was again isolated in the camp's internal prison.

My husband's health has deteriorated dangerously. He suffers from severe pains in his chest and eyes. Months pass when he is not heard from, when no one is allowed to visit him. For him, as for Iosif Begun, Dan Shapiro, Yuli Edelshtein, Alexander Koimiansky and countless other Soviet Jews, this has been the meaning of the Helsinki accords.

These are days of high hopefulness in the West. Talks between the superpowers are proceeding apace, a summit meeting is in the offing and the democracies, yearning for peace, bend with eager pliancy in the direction of Mikhail S. Gorbachev's smile. The Soviet leader, eager to derail the Strategic Defense Initiative and acquire Western high technology, is desperately seeking accommodation and normalization. Can it be too much, in this season of expectation, to suggest that one unequivocal demand be made of those who have so systematically trampled on the rights and the lives of countless human beings begging for nothing but release? Is it too much to ask that before we seek or trust its signature on future treaties, the Soviet Government be required to honor the Helsinki accords—the most easily implementable of agreements?

Ultimately, the question is for Mr. Shevardnadze's Government to answer. But it is up to the West, particularly the United States, to ask. My husband and the Jews of the Soviet Union wait upon the word.

## STATEMENT BY GEORGE P. SHULTZ TO THE U.N. GENERAL ASSEMBLY

### HON. DAN MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

**Mr. MICA. Mr. Speaker, I would like to bring to the attention of my colleagues the recent statement of the Honorable George P. Shultz, U.S. Secretary of State, to the 40th session of the U.N. General Assembly.**

**Mr. Speaker, the Secretary of State's remarks carry a welcome message for all Americans concerned about the role of this country in the United Nations. It is time for the General Assembly to put aside the political warfare and unrealistic posturing, the gratuitous attacks upon the United States and its friends, that have come to characterize so much of that organization's activities.**

**It is time, Mr. Speaker, for the General Assembly to engage in a realistic appraisal of the forces of repression in the world today. It is time for the General Assembly to get down to real business and address its agenda with the seriousness those subjects deserve—with good will, honesty, and realism.**

STATEMENT BY THE HONORABLE GEORGE P. SHULTZ, U.S. SECRETARY OF STATE TO THE 40TH SESSION OF THE U.N. GENERAL ASSEMBLY

Mr. President, Mr. Secretary-General, distinguished delegates:

Three years ago, when I addressed this body for the first time, I stressed the need for realism. There is probably no other quality so appropriate and necessary for this Organization.

But realism does not mean cynicism, or even pessimism. It means a clear-sighted appreciation of the opportunities we face, as well as of the obvious problems. It means remembering the many challenges that the world community has overcome, and drawing lessons from that. It means understanding that idealism and the yearning for human betterment are themselves part of reality, and thus have enormous practical significance.

The founding fathers of the United Nations are sometimes accused of naive utopianism. Supposedly they ignored the harsh realities of power politics in attempting to create a global system of collective security. I doubt it. The men and women who set up this Organization forty years ago were among the great statesmen of the century.

They drafted the Charter as a set of standards for international conduct—knowing full well that the world's nations probably would fall short of those standards, but knowing also that the setting of high goals is a necessary precondition to their pursuit and attainment.

The lofty goals of the Charter have a concrete, practical meaning today. They not only point the way to a better world; they reflect some of the most powerful currents at work in the contemporary world. The striving for justice, freedom, progress and peace is an ever-present and powerful reality that is today, more than ever, impressing itself on international politics.

Our political thinking must catch up to this reality. The policies of nations must adapt to this basic human striving. This Organization, too, must adapt to reality; it cannot afford to consume itself in political warfare and unrealistic posturing. There is work to be done. Let's do it.

The world community faces enormous challenges in three areas: In satisfying mankind's yearning for democracy, freedom, and justice, in preserving and perfecting global peace and stability, and in spreading economic prosperity and progress.

THE DEMOCRATIC REVOLUTION

First, the quest for democracy and freedom: Since the end of the Second World War, modern communication has opened the eyes of most of the world's peoples to the realization that they do not have to live their lives in poverty and despair—that, on the contrary, the blessings of prosperity and liberty known in the past only by a relative few can be theirs as well. The ideals for which the war was fought, and the spread of democracy and of prosperity in the industrialized world since, created an explosion of expectations.

The result has been, in recent years, a revolution of democratic aspirations sweeping the world. At the time of the San Francisco conference in 1945, most of the nations represented in this hall today were not independent states but possessions—colonies of European empires. The vast number of languages, cultures, and traditions I can now see before me testifies to the revolution in the world order. The old empires eventually had to accept the postwar reality of self-determination and national independence.

Much of the conflict in the world today stems from the refusal of some governments to accept the reality that the aspirations of people for democracy and freedom simply cannot be suppressed forever by force.

In South Africa, these aspirations on the part of the black majority have—as never before—drawn global attention and support. Change is inevitable. The issue is not whether apartheid is to be dismantled, but how and when. And then, what replaces it: Race war, bloodbath, and new forms of injustice? Or political accommodation and racial coexistence in a just society? The outcome depends on whether and how quickly the South African Government can accept the new reality, and on whether men and women of peace on both sides can seize the opportunity before it is too late.

This much is clear: There must be negotiation among South Africans of all races on constitutional reform. True peace will come only when the government negotiates with—rather than locks up—representative black leaders. The violence will end only when all parties begin a mutual search for a just system of governance.

One area where the furture has brightened in the past five years, as the aspirations of the people for democracy have been met in country after country, is Latin America. In contrast to only 30 percent in 1979, toay more than 90 percent of the people of Latin America live under governments that are either democratic or clearly on the road to democracy.

In Central America, El Salvador, under the courageous leadership of President Duarte, has shown that democracy can take root and thrive even in the most difficult terrain. Its citizens braved extremist violence to participate overwhelmingly in four free elections since 1982. Their president's current personal ordeal only serves to underscore the sacrifices thousands of Salvadorans continue to make as they fight to realize the ideals of the UN Charter. For this commitment they should be applauded by all members. Ironically, El Salvador is today the only democracy subject to the scrutiny of a special rapporteur for human rights.

Among El Salvador's neighbors, Costa Rica has long been the region's beacon of representative government; Honduras is about to replace one freely elected government with another; and Guatemala is about to join them as a democratic nation with election of a president in November. These developments should enhance regional cooperation for economic development, which the United States supports through our Caribbean Basin Initiative and President Reagan's Initiative for Peace, Development and Democracy.

But regional peace in Central America is threatened by the rulers of Nicaragua and their Soviet and Cuban allies. Behind a cloak of democratic rhetoric, the Nicaraguan Communists have betrayed the 1979 revolution and embarked on a course of tyranny at home and subversion against their neighbors. Brave Nicaraguans are fighting to restore the hope for Freedom in their country, and the other nations of the region are working together in collective self-defense against Nicaraguan aggression.

How can this crisis be resolved? The Central American nations, together with their nearest neighbors—the Contadora Group—have subscribed to a Document of 21 Objectives. These include non-interference in the affairs of one's neighbors, serious dialogue with domestic opposition groups, free elections and democracy in each country, removal of foreign military personnel, and a reduction of armaments. My government supports a verifiable treaty based on full and simultaneous implementation of the 21 Objectives. We welcome the resumption of talks next month in Panama and hope they lead to a final agreement. Contadora is the best forum for pursuing a settlement.

In El Salvador, President Duarte, true to his pledge to the Assembly last year, has pursued a dialogue with the guerrilla opposition. Would that the rulers of Nicaragua make—and honor—the same pledge to the Assembly this year. In San Jose on March 1 of this year, the Nicaraguan democratic resistance called for internal dialogue, moderated by the Roman Catholic Church, to end the killing.

The people of the region are waiting for a positive answer from the rulers of Nicaragua. Can it be that, never having been chosen by their people in a truly free election, they lack the confidence to face opponents they cannot silence or lock up, as they have so many others? The United Nicaraguan Opposition deserves to participate in Nicaraguan political life, and has an important role to play in the diplomatic process. Regional peace will not come without it.

The reality of the democratic revolution is also demonstrated by the rise of national liberation movements against Communist colonialism: in Afghanistan, Cambodia, Angola and other lands where, as in Nicaragua, people have organized in resistance to tyranny. Unlike the old European empires that came to accept the postwar realtiy of self-determination and national independence, the new colonialists are swimming agains the tide of history. They are doomed to fail.

In Afghanistan, the almost six-year-old Soviet invasion has inflicted untold suffering on a people whose will to resist and to free themselves from a pitiless tyranny cannot be broken. Hundreds of thousands of Afghans are dead and maimed, millions more make up the largest refugee population in the world, and countless villages, schools, and farms lie in ruins. Nowhere in the world has the carnage wrought by Soviet imperialism been greater than in Afghanistan, and nowhere has the resistance been more determined and courageous.

The withdrawal of Soviet forces, as the General Assembly has noted on six occasions, would lead to solution of the Afghanistan problem. A solution must also encompass restoration of the country's independent and nonaligned status, self-determination for the Afghan people, and the return in safety and honor of the more than three million refugees. Unless and until the Soviet Union permits such a solution, the national liberation struggle in Afghanistan will continue, the worldwide effort to provide succor to a beleaguered people will go forward, and Soviet protestations of peace on this and other issues will not ring true. My government, together with others concerned, stands ready to implement a just solution to this problem.

Cambodia, as we all know, stands as one of the worst examples in history of a totalitarian ideology carried to its bloodiest extreme. Today, courageous freedom fighters under the leadership of Prince Sihanouk and Son Sann struggle to reclaim their country. We continue to support the ASEAN program for a peaceful solution: Vietnamese forces must withdraw completely, and Cambodia's independence, sovereignty, and territorial integrity must be restored under a government chosen in free elections.

In other countries, where the apparatus of repression is well developed, countless thousands of men and women wage private struggles for freedom, armed only with their consciences and their courage. Some suffer for their political convictions; others for their religious beliefs: Solidarity trade unionists in Poland; Jews, Baptists, Roman Catholics, Pentecostalists and others in the Soviet Union; Baha'is in Iran. With all the men and arms at their disposal, what are these governments afraid of?

These brave and often nameless prisoners of conscience struggle to achieve for men and women in every corner of the world the promises of this Organization. We are with them, and we call on all states as members of this body to honor their solemn commitments. As Thomas Jefferson once said, the opinions of men and women are not the rightful object of any government, anywhere.

THE QUEST FOR PEACE

Mr. President, the quest for peace continues on many fronts. And for all the obstacles confronting it, there are examples of success—such as the Antarctic Treaty, which recently marked a quarter century of

effective international cooperation. We can learn from problems overcome, as we tackle the formidable problems ahead.

In the Middle East, ten or fifteen years ago, peace between Israel and any Arab state seemed a remote if not impossible dream. Finally, after untold suffering and four wars, a courageous leader, Anwar Sadat, abandoned the old ways of thinking and took the step no other Arab leader had been prepared even to contemplate: He recognized that the State of Israel was here to stay and, with Prime Minister Begin, vowed there would be no more wars. Peace and normal relations were established, and the Sinai was returned.

The past year has seen major efforts toward new negotiations between Israel and its Arab neighbors. The United States is committed and engaged in support of those efforts, in accordance with President Reagan's initiative of three years ago. Yet the lesson of the past is clear: Progress can only be achieved through direct negotiations, based on Security Council Resolutions 242 and 338. There is no other way, and evasion of this reality only prolongs suffering and heightens dangers. Nothing positive will ever be achieved by chasing illusions of "armed struggle"; but much can be accomplished by parties who are committed to peace and engaged in serious dialogue. The moment is at hand—this year—to make major progress and to begin direct negotiations.

To the east, we have the continuing failure of reason to prevail and end the devastating war between Iran and Iraq. Prolonged by Iran's refusal to come to terms with its inability to achieve victory, this war has now entered its fifth year, with no end in sight. We again call on both parties to negotiate an end to the fighting.

On the Korean peninsula we see the first tentative steps being taken to get away from the mode of thinking that has characterized the past forty years. A decade ago, there seemed little hope for a significant reduction of tension. Yet last year both Koreas began a multi-faceted direct dialogue, which the United States supports as the key to a solution. While the animosities of a lifetime are not resolved quickly, a start has been made. We also believe that UN membership for both the Republic of Korea and North Korea, in accordance with the principle of universality, would help reduce tensions.

Perhaps the most dramatic problem that requires new ways of thinking is international state-sponsored terrorism. Terrorism is every bit as much a form of war against a nation's interests and values as a full-scale armed attack. And it is a weapon wielded particularly against innocent civilians, against free nations, against democracy, against moderation and peaceful solutions. It is an affront to everything the United Nations stands for.

Progress has been made against the terrorist threat through cooperation in the UN system. Many nations subscribe to the Hague, Tokyo, and Montreal Conventions to make air travel safer and to suppress hijacking and sabotage. Progress has also been made in providing protection for diplomats, and some nations have agreed on how to handle hostage situations. Just this month, participants at a UN Congress in Milan adopted a strong, broad-ranging resolution urging all states to adhere to these agreements and to strengthen international actions against terrorism.

Much more remains to be done. The United States and other nations, for example, are working with the International Civil Aviation Organization to improve standards of security. Over the past year, some 90 potential terrorist actions against United States facilities or citizens have been deterred or prevented. But the fight has only begun, and it cannot be won by one government alone. The civilized world must put the terrorists and their supporters on notice: We will defend ourselves in any and every way we can.

UNITED STATES-SOVIET RELATIONS

The reality of the nuclear age, Mr. President, has impelled the United States and the Soviet Union to engage in a dialogue, of varying intensity, for the past forty years. This dialogue has been an unprecedented attempt by two rivals to manage their competition and avert war. We know that we share a responsibility for maintaining peace, not just for our peoples but for all the earth's people.

Despite all the difficulties, let us remember what has been accomplished. After the two most destructive wars in history, the superpowers have averted world war for four decades. We have had some success in limiting nuclear testing. Working together with other nations since the Non-Proliferation Treaty in 1968, we have succeeded in restricting the proliferation of nuclear weapons. Twenty years ago it was conventional wisdom that there would be 15 to 25 nuclear weapons states by today; yet the number of states acknowledged to possess nuclear weapons has held at five for the past twenty years. The United States remains committed to all the goals of the NPT, whose third review conference just successfully concluded in Geneva. And the United States and the Soviet Union have taken practical steps to avoid conflict. Our navies have long agreed to work together to prevent incidents at sea. And we have set up and improved the Hot Line for crisis communications.

In the Nuclear and Space Arms talks in Geneva, the United States had advanced far-reaching proposals: a reduction by almost one-half in the most destabilizing weapons, strategic ballistic missile warheads, and elimination of the whole class of U.S. and Soviet longe-range INF missiles worldwide, all leading ultimately to the complete elimination of nuclear arms. We repeatedly have stressed our readiness for given and take, and to consider alternative proposals. Each of our proposals has been followed up by further attempts to find common ground with the Soviet Union. We have offered trade-offs and made clear our readiness to take account of legitimate Soviet concerns to obtain an agreement that would enhance strategic stability and strengthen deterrence.

Progress at Geneva has been slow. Thus far the Soviet Union has not negotiated with the responsiveness that the talks require. Nonetheless, our determination to reach an equitable agreement has not wavered.

In this spirit, President Reagan last June decided to continue our policy of taking no action that would undercut the limits of previous agreements, to the extent the Soviet Union shows comparable restraint. Despite serious reservations about those agreements, and serious concerns about the Soviet record of non-compliance, the President made this decision to foster a climate of truly mutual restraint to facilitate progress in arms control.

While the most direct path to a safer world is through equitable, verifiable reductions, we also see value in verifiable limitations on nuclear testing. For that reason, President Reagan, in his speech to this body last year, proposed that the United States and the Soviet Union exchange visits of experts at test sites to measure directly the yields of nuclear weapons tests. This would significantly improve confidence in the verifiability of proposed treaty limits on underground testing. The Soviet Union rejected this offer. Nevertheless, last July, the President issued an unconditional invitation for a Soviet team to observe and measure a nuclear test at the Nevada Test Site. We again call on the Soviet Union to take up this offer, which is s concrete, positive step toward verifiable restrictions on nuclear testing.

When the Anti-Ballistic Missile Treaty was signed in 1972, it was assumed that tight limits on defensive systems would make possible real reductions in strategic offensive arms. But the Soviet Union has never agreed to any meaningful reductions in offensive nuclear arms. Instead, it has continued an unprecedented military build-up—particularly in heavy ICBM's with a first-strike capability—which is eroding the basis on which deterrence has rested for decades. The strategy of reliance on offensive retaliation to preserve deterrence and prevent war thus is being called into question by Soviet actions.

The answer is, first, for us both to agree on strategically significant, verifiable reductions in the numbers and destructive potential of offensive weapons. But there are additional ways to redress the problem. President Reagan has directed our scientists and engineers to examine—in light of new technologies, and fully in accord with the ABM Treaty—the feasibility of defense against ballistic-missile attack. Strategic defense could give our children and grandchildren a safer world. We would continue to rely on deterrence to prevent war, but deterrence would be based more on denying success to a potential attacker, and less on threatening massive mutual destruction. Such a means of deterrence should be safer and more stable. Our goal is not to achieve superiority, but to add to the security of both sides. As former Soviet Premier Kosygin said, and antimissile system "is intended not for killing people but for saving human lives."

We want to cooperate with the Soviet Union in making progress on these most important of all issues. Progress requires—it demands—good will, realism, and honesty. Behind the curtain that encloses Soviet society, free from the open debate we see in the West, a major strategic defense program has proceeded for decades. The current Soviet leaders know that. In the past twenty years, the Soviet Union has spent about as much on strategic defense as on their offensive nuclear forces. They know that. The Soviets have the world's most active military space program, last year conducting about 100 space launches, some 80 percent of which were purely military in nature, compared to a total of about twenty U.S. space launches. The Soviets know that, too. They deploy the world's only ABM system, whose nuclear-armed interceptors and other components are undergoing extensive modernization. They are researching many of the same new technologies as we, and are ahead in some. And the Soviet Union has the world's only extensively-tested and fully operational anti-satellite system. The Soviet leaders know full well their own efforts in these fields. Their propaganda about Ameri-

can programs is blatantly one-sided and not to be taken seriously.

So let's get down to real business, with the seriousness the subject deserves. And let us do so in the quiet of the negotiating room, where we can really make progress on narrowing our differences.

Progress needs to be made in other arms control areas as well. Restraints against chemical and biological weapons have eroded in recent years as international agreements have been violated by the Soviet Union and others. In April 1984 the United States proposed a comprehensive treaty for a global ban on chemical weapons. We will again introduce a resolution on chemical weapons in the First Committee. We must have talks on serious, verifiable proposals.

To reduce the risk of conflict through miscalculation, we and our Atlantic allies have proposed significant confidence- and security-building measures at the Conference on Disarmament in Europe. To enhance security in Central Europe, we have repeatedly sought ways to move the Mutual and Balanced Force Reduction talks in Vienna forward.

In sum, the United States and the Soviet Union now have an historic opportunity to reduce the risk of war. President Reagan looks forward to his meeting with General Secretary Gorbachev in November. We have a long agenda. The United States is working hard to make it a productive meeting. And we want the meeting itself to give further impetus to the wide-ranging dialogue on which we both are already embarked. Soviet acts of good faith and willingness to reach fair agreements will be more than matched on the American side.

ECONOMIC FREEDOM AND MATERIAL PROGRESS

Mr. President, just as there is a democratic revolution in the world today, there is also a revolution in economic thinking. Mankind is moving toward an ever greater recognition of the inescapable tie between freedom and economic progress. Command economies, in spite of all their pretensions, have not done very well in liberating people from poverty. In reality, they have served as instruments of power for the few, rather than of hope for the many. Expectations of material progress and prosperity have been fulfilled in countries whose governments applied reason and fresh thinking to their problems, learning from experience rather than slavishly following outworn dogma. The new way of thinking—economic freedom—actually is a return to old truths that many had forgotten or never understood.

Those developing countries in Asia relying on free market policies, for example, have enjoyed one of the most remarkable economic booms in history, despite a relative lack of natural resources. The ASEAN nations and the Republic of Korea have grown at 7 percent a year over the past decade, the fastest rate in the world, and ASEAN has become a model of regional development and political cooperation. In recognition of the success of economic freedom, the nations of the South Pacific have continued to encourage the private sector as well. We are joining with them in a dedicated effort to negotiate quickly a regional fisheries agreement that will benefit all.

These and other countries' success demonstrates that the laws of economics do not discriminate between developed and developing. For all nations, eqally, the true source of wealth is the energy and creativity of the individual, not the state. After decades of fashionable socialist doctrine we see today—on every continent—efforts to decentralize, deregulate, denationalize and enlarge the scope for producers and consumers to interact in the free market. In India, China, and elsewhere, new policies are being adopted to unleash the creative abilities of talented peoples. At the Bonn Economic Summit last May, the leaders of the largest industrial democracies acknowledged the same truth. The road to prosperity begins at the same starting point for all nations: freedom and incentives for the individual.

This truth should be our guide as we address today's economic challenges.

In sub-Saharan Africa, drought has placed perhaps 30 million men, women and children at risk. We do not know how many have already died. Along with other Western countries, the United States has undertaken one of the largest disaster relief programs in history. This year alone, the United States has provided $1.2 billion for drough and famine relief and $800 million in other economic assistance. The nations that have been helping should continue to do so; those that have not borne their share should start doing so.

But we owe it to the suffering to ask this question: "Why is food so scarce?" Drought, without question, is part of the reason. But in some countries, there are other, more important reasons. One is government policies that have severely harmed agricultural productivity. These policies must be reversed. Those countries that have undertaken liberalizing reforms are reaping the benefits and can show the way for others. Another problem is lack of appropriate technologies. The United States is carrying out a long-term program to strengthen African agricultural research, which we hope will help to produce a green revolution on the continent.

Elsewhere in the developing world, as in Africa, countries face the continuing problem of debt. Many have undertaken necessary, though painful, adjustment—taking courageous steps to cut government spending, eliminate subsidies and price controls, permit currencies to adjust to the market, free interest rates to encourage saving and discourage capital flight, and create conditions to attract new capital. Austerity, however, is certainly not an end in itself. The purpose of short-term adjustment is to get back in the track of long-term growth.

In all these efforts we must be careful that the heavy burden of servicing the historic debt levels of the developing nations of Latin America and Africa does not inhibit their future growth. Creative cooperation between borrowers and lenders, with continued constructive assistance from the World Bank and the IMF will be essential in achieving this goal.

Other nations, too, have a major part to play in helping these countries overcome their debt problems and resume sustainable growth. External financing to support effective adjustment has been, and will continue to be, important. Access to export markets is also necessary.

Indeed, an open trading system is crucial to the hopes of all of us. Trade expansion has been an engine of postwar prosperity. It would therefore be suicidal to return to the protectionism of the 1920's and '30's, which helped bring on the Great Depression. Protectionism is not a cure; it is a disease—a disease that could cripple all of us. Trade must be free, open, and fair—the United States will work to see that it is. But there must be a level playing field. We want to open trading, but that means mutuality. Barriers erected against American products are just not acceptable to us.

As President Reagan is saying today in a major speech, "the freer the flow of world trade, the stronger the tides for human progress and peace among nations." To preserve and strengthen the trading system may well be the central economic issue facing the world community today. For that reason, it is essential that all nations join now in preparations for a new GATT round next year. No nation, even one as large and as powerful as the United States, can, by itself, insure a free trading system. All that we and others have done to provide for the free flow of goods and services and capital is based on cooperation. Indeed it was in that very spirit of cooperation that prompted the United States and five of the leading industrial nations yesterday to pledge firm resolve to work together in addressing the pressing economic issues of this decade.

Sound economic policies in every country are the key to strengthening the world economy. In the United States, policies that have unleashed individual talent, reduced government's role, and stabilized prices have helped to produce more than 8 million new jobs since 1982 and lead the world out of recession. But many imbalances in the world economy remain—notably in trade accounts, exchange rates, and capital flows. These must be corrected, by the world community acting in concert, if recent economic gains are to be preserved and hopes for progress sustained. For its part, the United States must restrain public spending, reduce its budget deficit, and encourage saving. Others must do more to reduce rigidities, and promote the private investment needed to facilitate adjustment and spur expansion.

I believe we can surmount our problems, just as we succeeded in solving the energy crisis and bringing inflation under control. There was a time when those problems, too, seemed insurmountable. We can succeed again today if we have the honesty and courage to face our problems squarely, and if our ways of thinking conform to reality.

CONCLUSION

Mr. President, forty years ago the founders of the United Nations recognized that new ways had to be found to regulate conduct between nations. That remains true today. The Charter and the Universal Declaration of Human Rights speak to us not as different races, creeds, and nationalities, but as human beings, men and women. Our task as we look to the next century is to learn that the things which unite us—the desire for peace, human rights, and material well-being—as set down in those documents, are far more important than the things which divide us.

The main obstacle to greater realization of the goals of the Charter is the lust of the few for power over the many, just as it has been the obstacle to human happiness since the dawn of history.

But change is inevitable. And today change, technological change, holds out hope, perhaps as never before. The revolution in communications and information may be the most far-reaching development of our time. Those political systems that try to stand in the way of the free flow of knowledge and information will relegate their citizens to second-class status in the next century. The future belongs to societies that can spread knowledge, adapt, innovate, tap the unfettered talents of well-informed citizens, and thus fully exploit the new technologies; free societies clearly are best equipped for this challenge. The communications revolution will be a truly liber-

ating revolution—for it threatens the monopoly of information and thought upon which tyrants rely for absolute control.

On every continent—from Nicaragua to Poland, from South Africa to Afghanistan and Cambodia—we see that the yearning for freedom is the most powerful political force all across the planet. The noble ideals of democracy and freedom are in the ascendant. Today, we can look with renewed hope to the day when the goals of the United Nations truly will be met.

## THIS ADMINISTRATION JUST WANTS TO KEEP ON TESTING

### HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

**Mr. STARK. Mr. Speaker, I read with dismay Representative HENRY HYDE's article in last Wednesday's Washington Post which characterized congressional advocates of a Comprehensive Test Ban Treaty (CTBT) as politicians who place politics above our national security.**

**As the Representative of a district in which one of our two nuclear weapons labs is located, I am a CTBT advocate whose support for such an agreement is probably a political liability at home. But I believe a verifiable CTBT would enhance our security.**

**My colleague claims that "House Democrats have placed a Comprehensive Test Ban Treaty resolution on the legislative fast track" to embarrass the President on the eve of the summit.**

**But the Republican-controlled Senate passed exactly the same language contained in the House bill by a vote of 77-22 on June 20 of last year! Did a bipartisan group of 77 U.S. Senators vote to urge the President to damage our security? Is floor consideration of a bill in October 1985 a "legislative fast track" when hearings were held in February, April, and May, and the Senate acted over a year earlier? I think not.**

**As for embarrassing the President by asking him to act in our interest on the eve of his first summit in 5 years, I would argue he has embarrassed himself without congressional help.**

**Representative HYDE wrote, "I fail to see the wisdom of advocating—at this critical pre-summit juncture—what has been a Soviet propaganda proposal for years." This is apparently because he does not recognize the security benefits we would reap from a CTBT. Others before him did.**

**A test ban has been the stated goal of every American President since Eisenhower. Until now, of course. Did all those gentlemen unwittingly play into the hands of Soviet propagandists to the detriment of our security? Or did they advocate a CTBT because it would make us more secure?**

**Representative HYDE offers several explanations of why he opposes a CTBT. He notes continued testing is essential to maintain our deterrent "in view of the massive and ongoing Soviet nuclear force modernization". But Soviet force modernization would be severely limited as a CTBT would prevent them from developing more advanced warheads.**

**He says a key reason for continued nuclear testing "is that it allows us to move * * * to smaller weapons designed to accomplish their military tasks more efficiently." Finally, he laments that "the Soviets * * * may be unable to test smaller, less destructive warheads."**

**In essence, Representative HYDE says smaller U.S. weapons will become more militarily effective, while smaller Soviet weapons will make their arsenal less destructive.**

**He can't have it both ways. Soviet weapons will be more militarily effective as well, thus increasing the threat they pose to our security. Why do Mr. HYDE and the administration want the Soviets to build more effective weapons with which to threaten us? Are smaller weapons better if they are more likely to be used? What is a "small" strategic nuclear warhead?**

**The only reason the administration and its allies oppose CTBT negotiations is because they want to continue nuclear testing. I advocate a CTBT because I care what the Soviets aim at my constituents. I prefer Soviet weapons that do not mislead Soviet leaders into believing nuclear war is somehow a military venture, instead of a mutual suicide pact.**

**Representative HYDE's arguments illustrate the fundamental reason why this administration has failed to make progress in arms control: their total disregard for the value of limiting Soviet military programs as a means of enhancing our security.**

## LORENE MEEK CELEBRATES OVER 37 YEARS WITH THE AMERICAN TITLE CO. OF SAN BERNARDINO

### HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

**Mr. LEWIS of California. Mr. Speaker, it is with great pride that I join with family, friends, and business associates in honoring and celebrating the 37th anniversary of Ms. Lorene Meek in the title insurance business. Today, the First American Title Insurance Co. is one of the largest and most successful title insurance companies in San Bernardino County. Ms. Meek, in the capacity of vice president, has been a major factor in the success of the San Bernardino office, as well as making many contributions to benefit the nationwide company in general.**

**Lorene has contributed to many civic and charitable institutions over the years, and continues to be unselfish of her time and energy for just causes.**

**Mr. Speaker, I take great pride in commending to my colleagues Ms. Lorene Meek, a truly remarkable woman who has, through her selfless years of hard work, her intelligence and business acumen, made a most significant contribution to her community as well as exemplifying what a model executive can be in today's world.**

## DENVER SCHOOL COMPUTER LAB IS NATIONAL MODEL

### HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

**Mr. WIRTH. Mr. Speaker, 2 weeks ago I introduced the Education Technology Act of 1985 to assist elementary and secondary schools in fully utilizing the vast educational potential of computers in the classroom.**

**Recently, I was pleased to learn that in my own State of Colorado, the George Washington High School in Denver is operating one of the best computer laboratories in the country. Established in 1961 by Dr. Irwin Hoffman before home computers even existed, the program has an impressive track record and a distinguished list of graduates. The George Washington High School program is an example of the kind of program which the Education Technology Act of 1985 would help to establish. I recommend the following article from The Denver Post, which describes the program, to our colleagues.**

**The article follows:**

[The Denver Post, Sept. 29, 1985]

COMPUTER LAB FAMOUS—GW MAY BECOME MODEL FOR NATION

(By Janet Bingham)

Word spreads.

Carol Scheuer heard it from a friend, that Denver's George Washington High School has one of the best computer labs in the country.

The friend was in a position to know. As a student there, Steve Cohen had written his own computer software program and was earning royalties from national sales.

So every morning Carol, a 16-year-old senior who goes to a private school for most of the day, gets up before sunrise and bicycles over to George Washington for a 7 a.m. computer class—one of two computer courses she takes there.

The George Washington computer lab has attracted the interest of students like Carol for years, but for the most part its doors have been closed to those assigned to any of Denver's nine other public high schools. Only students who are or would be assigned to George Washington currently use the program.

Last week, however, the school district received $3.9 million in federal funding to establish four citywide "magnet" programs, including a Computer Magnet Center that will expand George Washington's lab to serve 200 additional high school students from throughout the city, starting in January.

Students who want to use the lab must have completed basic computer classes at their own schools and apply to George Washington's program.

The lab already has been cited for excellence in a National Science Foundation study, and its reputation even extends as far as China. Ministers of education from 29 Chinese provinces will make a special stop in Denver to visit it next week.

The lab's 12-member staff has garnered an impressive set of personal awards, and its energetic founder, Irwin Hoffman, expects the expanded program to become a model for the rest of the nation.

The grant money comes as a relief to Hoffman, who started pushing for computer education in Denver high schools back in 1961 when home computers didn't even exist. He has scrounged for equipment and written grant proposals until he had writer's cramp in order to win most of the 82 computers that fill two third-floor classrooms.

In a school district under court order to desegregate and provide an equal education to all, the very excellence of the program he developed became a bit of an embarrassment.

George Washington is racially balanced (about 54 percent black, 37 percent Anglo), and nearly half of its 1,500 students last year took at least one of 14 computer education courses.

But officials wondered how the district could claim to offer "equal" education when most of the city's students didn't have access to its best computer lab.

That problem is solved now.

Teachers are proudest of the accomplishments made by the lab's students and are confident that list of successes will grow as the program is expanded.

Three years ago, 19 students designed and programmed a series of English lessons in four languages—Vietnamese, Laotian, Spanish and Hmong. The lessons are being distributed worldwide, and the computer lab gets a commission.

Recent graduate Chuck Tucker was 17 when he rewrote and simplified a software program designed to teach high school students the elements of the Pascal System, a computer language. Atari give him a computer, a $1,500 stipend, and hired him to act as chief consultant to their software engineers.

Last year Steve Kelley, then a senior, revised an educational software program and wrote an article that was published in a journal for mathematics teachers. He was also invited to speak at a national meeting of the Mathematics Association of America.

And the list goes on. Cohen, the friend who told Carol about the lab, is only one of numerous other students to have produced and sold their own software programs.

Students in Hoffman's lab quickly find themselves teaching other students and adults.

Carol is currently teaching three elementary students how to use the Pascal and Logo computer languages. What they'll learn first, says Carol, is that "The computer doesn't teach us; we teach the computer."

Peter Bailey, 17, is creating a software program that will help students, businessmen and others who want to know exactly what steps are needed to get them from the beginning to the end of a group project. As part of his assignment he must write his own computer manual and teach the program to others when he's finished.

"What you learn in here is that a computer doesn't do anything except what you tell it to do," says Bailey. "It is a tool. We're definitely in control of the computer."

That is a key concept that Hoffman and his colleagues try to get across. In this lab, a computer is not used as a "substitute teacher." Students don't sit passively before it doing drills.

Human teachers retain their importance in the program. "For a while you go along at your own pace, but then if you hit a glitch, the teachers are always available to help you," says Carol. "I end up talking more to my teachers in here than I do in my regular classes."

## SHOULD WE REPEAL THE PRIVATE EXPRESS STATUTES?

### HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

**Mrs. SCHROEDER. Mr. Speaker, I received a copy of the following letter from Postmaster Janice Yabes of Eldorado Springs, CO, which she sent to the Daily Camera newspaper editor. I believe my colleagues would appreciate hearing some of the arguments against repealing the private express statutes.**

HOW MANY MAILS?

Editor: If people think the breakup of AT&T is a mess, just wait and see what happens if the U.S. Postal Service is broken up.

Everyone and his brother will be able to deliver mail; you won't know who will be delivering mail to your home. You may have a half-dozen people a day bring mail to your home.

The United States has the best Postal Service in the world and the least expensive. It has its faults, but what company doesn't?

Just stop and think: if a letter doesn't show up, where will you go to complain? You will have to contact the person who mailed the letter to find out which company was used. Have you ever tried to contact UPS in Boulder? Impossible; you have to call Denver.

Sure, they might deliver mail within the city for 10 or 15 cents, but will they deliver the same letter across the country for 10 cents? No way!

What if they don't deliver to rural towns, farms, ranches, mountain towns? Then you're back to the U.S.P.S.: they deliver everywhere for 22 cents.

Will they pick up your letters everyday at your home, or just when they happen to deliver them?

Are your going to keep stamps for each company, so you can use each one? Will you drive all over looking for a company mail drop?

When you move, you will have to notify each company and hope for the best. Do you think they will forward your mail free for 18 months, like the U.S.P.S. does? No way! You will be charged for forwarding. You bet!

Has your phone bill gone down since the breakup of AT&T? No way! If business is taken away from U.S.P.S., the price of a postal stamp will go up much faster. The other companies might start out a few cents cheaper, but they will have to increase their rates. Just like MCI, Sprint, etc.

Remember the old saying, "The check is in the mail?" Now you will have to say, "which mail?"

Companies will be able to deliver pornography right to your door, whereas now you are protected from that by the U.S.P.S.

These are just a few things to consider. I could go on and on. Stop and give this some real thought, and contact your Congressperson soon.

You can't buy a candy bar for 22 cents, but you can get a letter across the U.S.A. for 22 cents. Yes, we have our faults, but we are still darn good.

## THE SUPERFUND REVENUE ACT OF 1985

### HON. JUDD GREGG

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

**Mr. GREGG. Mr. Speaker, although the Committee on Energy and Commerce completed action on H.R. 2817 almost 2 months ago, further consideration of the Superfund reauthorization remains stymied by arguments over specific programmatic provisions and a lack of consensus on a mechanism to finance the program. The House went on record last year as favoring a $10 billion program for the next 5 years, but a strong case has been made that last year's Superfund taxing authority needs to be restructured. Several new funding proposals have been put forth, but none has been able to garner a broad base of support. The industrial community also remains polarized by factions espousing different financing mechanisms. The disagreement centers primarily on the "Superfund excise tax" [SET], a modified value-added tax, which has been proposed to broaden the tax base. Proponents claim that because of the general societal nature of the problem, the SET is needed to distribute the burden more equitably to all manufacturing industry. Also, the SET is viewed as the best vehicle for providing import-export neutrality. Opponents argue that the SET is a hidden tax with little nexus to the hazardous waste problem. Also, because it is a modified value-added tax, it has significant tax policy implications which are viewed as inappropriate for consideration in the context of environmental legislation. To add to the confusion, the other body voted to express strong opposition to a value-added tax, even though S. 51, their Superfund reauthorization legislation, contains such a tax!**

**Another source of controversy has arisen from the variety of "waste-end" taxes which have been proposed by the administration and members of both Houses of the Congress. Although a significant segment of the industrial community, including groups representing members of the chemical and petroleum industries, have expressed support for such a tax, many individual chemical, petroleum and other companies are vigorously opposing them. Even those favoring such taxes disagree on the questions of whether waste generation or disposal should be taxed and whether the taxes should be levied on the total weight of the wastes or only on their water-free content.**

**Clearly some alternative is needed if we are going to get the Superfund reauthorization moving.**

**I am, today, introducing such an alternative approach to broadening the revenue base for the Superfund. This legislation was developed in consultation with repre-**

sentatives of the environmental community and a broad spectrum of chemical, petroleum and nonchemical companies. The preliminary reception which the proposal has received from more than 50 companies representing all of these groups of industries indicates that this approach may serve as the basis for developing a broad consensus.

The key to this proposal is a simple surcharge to raise $895 million with varying rates assigned to different segments of industry on the basis of their historical involvement with hazardous waste, as noted in studies such as the May 1985 report on hazardous waste management issued by the Congressional Budget Office. Such a stratification of the tax allows base broadening, while retaining the fundamentals of the "polluter pays" concept that is fundamental to our Nation's environmental policy. In fact, the concept is strengthened by the allocation of the tax burden on the basis of the industries' past performance, rather than tying it to future performance, as would be done under the waste-end structure.

The basis for identifying these industries will be a system similar to the standard industrial classification [SIC] codes currently used, with good success, by the Department of Commerce for census purposes. Individual firms within each SIC group would be taxed in relation to their size. Since similar industries may be assumed to exhibit similar degrees of automation, the number of employees engaged in a given line of business should be an approximate indication of business size.

The chemical and petroleum industries—SIC 28 and 29—would be taxed on the basis of their historical generation of one-half to two-thirds of our hazardous waste. Their annual surcharge, as a group, would be set at $250 million. Because these industries also pay most of the feedstocks tax, their total annual tax would be $550 million. This amount is estimated to be essentially the same as they would sustain under a mix of feedstock, waste-end, and broad-based taxes. A tax liability of $150 million per year would be assigned to the rubber and plastics, primary metals and fabricated metals industries—SIC 30, 33, and 34—based on the fact that they have historically produced between one-third and one-fourth of the Nation's hazardous waste. Other manufacturing industries, many of whom have historically produced small, but measurable, amounts of waste and/or used large amounts of chemicals, solvents, plastics, and so forth, would pay $230 million per year. Service industries are also deemed to have benefited significantly from the products of processes which produce hazardous wastes, and thus, would also be taxed to raise $265 million per year. However, since the tax base in the last two categories is very large, individual tax burdens would be quite small.

Import/export neutrality, an absolute necessity in light of our current trade problems, is provided in a manner which should be GATT-compatible, based on the fact that the surcharge would be levied at different rates on industries producing different categories of products.

In addition to proposing a new base broadening mechanism, my legislation provides a total package which includes a continuation of current feedstock taxes—$260 million per year—and petroleum tax—$40 million per year—to produce the appropriate allocation of liability to the chemical and petroleum industries. The continuation of a 12.5-percent contribution from general revenues—$220 million per year based on the portion of the program authorized in H.R. 2817 which is directed at cleaning up abandoned waste sites—would also be appropriate, even in the current economic climate, since there are many Government-related, tax-exempt contributors to our toxic waste problem.

Also, because of the controversy surrounding the ability of the EPA to effectively utilize the full $2 billion per year authorized by H.R. 2917, I believe it is appropriate to authorize $200 million per year in borrowing authority to provide flexibility. It is my personal view that while the EPA may not be able to absorb the full programmatic increase authorized by H.R. 2817 in fiscal 1986, it should be encouraged to expand its capabilities as rapidly as possible; and the Agency should be in position to begin invoking the borrowing authority in fiscal 1987.

To prevent this borrowing authority from becoming a "back door" to general revenues and adding to the national debt, a provision is included in my legislation to require that the debt be repaid by increasing the Superfund surcharge in the outyears.

Since recoveries and interest should produce an additional $160 million per year, these taxes should raise the necessary revenue for a $10 billion program over the next 5 years when combined with the $250 million per year underground storage tank fund established by H.R. 2817, but not covered by my legislation.

This financing package for Superfund provides a more rational environmental nexus than the controversial waste-end taxes and establishes an even broader tax base than the SET, without resorting to a value-added tax mechanism. In addition, it is simple to administer and pay, imposes virtually no additional recordkeeping requirements, and should produce no significant distortion of either domestic or international markets.

MECHANICS OF APPLICATION OF A SURCHARGE THAT RELATES TO THE HISTORICAL GENERATION OF HAZARDOUS WASTE

A. TAXABLE ENTITY

The Superfund surcharge will apply to all domestic and foreign corporations (within the meaning of Code Section 7701(a)(3) and partnerships (within the meaning of Code Section 7701(a)(2)) carrying on trade or business activities within the United States. For this purpose, all corporations that are members of the same controlled group of corporations (within the meaning of Code Section 1563(a), except that "more than 50 percent" shall be substituted for "at least 80 percent" each place it appears in section 1563(a)(1)) shall be treated as a single taxpayer. Once each taxable entity has been identified in this manner, the taxpayer allocates its business activities among the various taxable categories set forth below.

B. DETERMINATION OF TAXPAYER'S TOTAL SURCHARGE LIABILITY

*1. Identification of taxpayer's business activities*

In determining its Superfund surcharge liability, the taxpayer first must identify the category or categories in which its business activities fall based on the four broad categories delineated above.

Thus, a company that is engaged in manufacturing, production, mining, or processing activities need only identify whether it has any business operations falling within the five SIC Codes described in Categories A and B.[1] If the company has such activities, it must then apply the allocation rules discussed below. If the company does not, all of its business operations will be taxed under Category C.

*2. Determination of surcharge liability for each line of business of the taxpayer*

(a) *In general.*—Having identified its overall business activities with relation to the four taxable categories, the taxpayer then must determine the amount of surcharge liability to be imposed with respect to each such taxable category of activity. Within each taxable category of activity, the proposed legislation specifies a schedule of amounts of tax that vary in accordance with the scale of the taxpayer's operations in that line of business, as represented by the relative size of the taxpayer's workforce in that line of business.

(b) *Determining size of taxpayer's total workforce.*—The calculation of the total number of employees of the taxpayer shall be made by dividing (1) the total amount of wages paid or incurred by the taxpayer as determined for unemployment tax purposes under Code section 3306(b) (i.e., the first $7,000 of compensation paid to the employee during the calendar year) with respect to all of the taxpayer's business activities, by (2) $7,000. The advantage of this method of calculating total employees is that it takes account of part-time and seasonal employees (e.g., two part-time workers each earning $3,500 treated as a single worker by means of this calculation) and is a calculation that already is audited by the Revenue Service for other purposes.

(c) *Determining the portion of the taxpayer's total workforce properly attributable to each taxable category.*—Having calculated its total workforce, the taxpayer must apportion these employees among its various business activities that have been identified with relation to the four taxable categories. All direct labor of the taxpayer (that is, all labor that is incident to and necessary for manufacturing or production operations and that can be identified or associated with specific products) is to be allocated among the four taxable categories on the basis of the products (or services) to which the labor is attributable under principles similar to those applicable under Code section 471 and Treas. Reg. § 1.471-11 in calculating inventoriables costs. Indirect labor (that is, labor that is associated with and necessary for the production activity but which is not directly identifiable in amount with respect to the

[1] While two-digit SIC Codes necessarily are broad, the taxable categories for surcharge purposes likewise are broad, thereby minimizing any company-specific distortions.

particular activity) substantially all of which is directly related, necessary for, and dedicated to particular manufacturing activities, or the provision of particular services, are allocated to such manufacturing activities or services. All other indirect labor and all labor in respect of general and administrative (G&A) activities of the taxpayer are to be allocated among the taxable categories on the same proportionate basis as the direct labor is allocated among such taxable categories.

C. EXPORT-IMPORT NEUTRALITY

To prevent imported goods and services from obtaining a competitive advantage to the extent of the Superfund surcharge, an import equalization fee will be imposed in an amount reflecting the average price increase in domestically-produced goods and services attributable to the Superfund surcharge. In general terms, this import equalization fee will be calculated as follows. Such fee will be equal to that percentage of the import value of the product as determined by a fraction, the numerator of which is the total annual amount of Superfund surcharge imposed on taxpayers within the same taxable category (A, B, C, or D) as the imported product (or service) and the denominator of which is the total value of products (or services) produced annually in the United States within that taxable category. This fraction will be determined on the basis of data from the preceding taxable year (or such earlier year as to which such data are available).

Correspondingly, the proposed legislation includes a mechanism for the rebate of the Superfund surcharge at the U.S. border in the case of exports by the U.S. taxpayers.

D. EXEMPTIONS

Agencies of federal, state and local governments and smaller businesses will be exempt from the Superfund surcharge, except to the extent that the entity generates more than 1,000 kilograms of hazardous waste per month. Organizations that are exempt from federal income tax are exempt from the tax (except to the extent that such organizations are carrying on an unrelated trade or business within the meaning of Code section 513).

E. SUNSET

The Superfund surcharge shall terminate five years after enactment.

## IN MEMORY OF ROBERT E. HARRINGTON

### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

**Mr. WOLF. Mr. Speaker, northern Virginians were saddened to learn of the death on September 20 of Robert E. Harrington, 67, of Arlington, a retired Air Force colonel and prominent and respected civic leader in Arlington County.**

**Bob Harrington was active in numerous community organizations and at the time of his death was serving as the president of the Arlington County Taxpayers Association.**

**Mr. Speaker, the people of Arlington County have lost a true friend and leader. I extend my sympathy to Colonel Harrington's wife, Mary Virginia, and his four sons.**

**At this point in the RECORD, I would like to include an obituary notice published in the Northern Virginia Sun on September 23 which describes the many accomplishments of Bob Harrington.**

ROBERT HARRINGTON, CIVIC LEADER, DIES

ARLINGTON.—Robert E. Harrington, a retired Air Force colonel, businessman and Arlington civic leader, died Friday evening of a heart attack. He was 67.

At the time of his death, Harrington was president of the Arlington County Taxpayers Association and chairman of the Virginia Federation of Local Taxpayer Organizations.

Harrington served in numerous advisory roles to the Arlington County government. He was a member and later chairman of the Arlington County Civil Service Commission and he chaired the county's Compensation Review Panel in 1982 after serving as a member of the Citizen's Committee on Improving Local Government.

In 1981 he was a Republican candidate for the Arlington County Board, challenging Board Member Ellen M. Bozman.

Harrington was born and raised in Pottsville, Iowa. He attended Cornell College in Mount Vernon Iowa, for two years before entering the U.S. Military Academy at West Point, N.Y. He graduated from West Point in 1943 with a commission as a second lieutenant in the Army. He was trained as an Army Air Corps pilot and flew 30 combat missions during World War II in China under the command of Maj. Gen. Claire Chenault.

Harrington's post-war experience included a tour of duty as chief of the War Plans Branch of the Strategic Air Command and assignment as U.S. Air Attache in Japan.

For the remainder of his Air Force career he served as an intelligence officer with assignments to the Joint Chiefs of Staff and the Defense Intelligence Agency in Washington. He served as director of intelligence in three major commands: the U.S. Southern Command in Panama; the Tactical Air Command at Langley Air Force Base in Virginia; and the United States Air Forces in Europe.

Harrington retired from the Air Force in 1972, when he became business manager of St. Agnes Episcopal School for Girls in Alexandria until his retirement in 1981.

Harrington received a master's degree in political science in 1962 from the University of Maryland. In 1963, he graduated from the first class of the Inter American Defense College.

His awards during his military career include the Order of Sacred Treasure in the name of the Emperor of Japan, the Air Medal with cluster and the Legion of Merit with cluster.

Harrington was a 32nd degree Mason and Shriner, on the board of directors of the West Point Society of D.C., a member of the USMA Association of Graduates and the Army Navy Country Club.

He is survived by his wife, Mary Virginia of Arlington; four sons, Robert E. Jr. of Arlington; Maj. Richard H. of Shaw Air Force Base, S.C.; Maj. Charles C. of Nellis Air Force Base, N.J.; and Capt John D. of McGuire Air Force Base, N.J.; a sister, Mrs. Hugh Hurley of Springfield; and five grandchildren.

Funeral services will be held Tuesday at 9 a.m. at the Fort Meyer Chapel, with burial to follow at Arlington National Cemetery. The family requests contributions to charity of choice in lieu of flowers. Ives-Pearson Funeral Home of Arlington is handling arrangements.

## THE OCEANIC FACTS OF LIFE

### HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

**Mr. WHITEHURST. Mr. Speaker, in "The Propeller Club Quarterly" of July 1984, there was an article by Mr. Gilven M. Slonim, president of the Oceanic Educational Foundation, entitled "Oceanic Facts of Life." Recently, Mr. Slonim sent me an updated version of that article, and at his request, I am pleased to take this opportunity to share it with my colleagues at this point in the RECORD:**

THE OCEANIC FACTS OF LIFE

"Our lives and our prosperity still depend on the sea. It is a fact that we would do well to keep in mind."—Jarma Pohjanpalo, "THE SEA & MAN"

The shout "Policy, POLICY, but there is no policy!" Nor can there be policy that prods maritime potential until Americans grasp the seas' future promise. Whether we talk vitality, economy or just plain pride, all rest on sailing the seas—sealift—indeed, seafaring thought. Cargoes moving round the clock in merchant ships insure our security, create our prosperity. Trade carrying profit underwrote revolutionary scientific achievement seeking safe navigation. But these facts are not known. While Transportation looks at the maritime mosaic in one dimensional "cost", it misses the sound investment prospect in America's future.

Where in the world is the White House's understanding! How can naval supremacy emerge with crucial sealift denied? Where in OMB? For a pittance of silver, they destroy the competitive incentives to prevail at sea. Everybody knows trade's important. State, AID, Agriculture, the Treasury, GSA, and particularly, Commerce; Unfortunately, nobody, but nobody, grasps the super-significance of trade-carrying. This treasure trove remains to be etched in the landed American mind; what sparks a vibrant economy; assures strategic stability; prods science; enriches art, literature—all the humanities. The flow of fresh stimulating ideas deepens the global geographic overtones—world perspective—industrial might; all comprise the holistic dynamism which energizes the modern swiftly moving world. Comprehensive, long-view, global seafaring thought blueprints the policy pattern. Modern streamlined merchant ships spearhead foreign policy—the U.S.S.R's. A global trade carrying partner peacekeeping network is forged as cooperation and culture flow across the sea in ships.

Yet, sea-use, other than sailing, swimming, fishing and scuba remain as much a mystery to citizens as the Kanji characters that explain Japan's total oceanic dependency. But who can explain our 97 percent dependency on foreign bottoms to tote our trade? Father Edmund Walsh warned: "Dependency" starts a nation sliding to a second rate power. Let's face it: regaining a competitive high seas posture remains the cardinal tenet of policy. Yet, doleful "Requiem Mass" litany—chanted for "maritime

policy"—with the 60's 'technological-turn' to the sea brought neither policy nor public education. Isn't it high time we taught the American people the oceanic facts of life! The life blood of our society, our standard of life, our future quality of living lies 'not in the heavens'; it flows in ships across the great global seas.

Faced with a burgeoning oceanic confrontation, the U.S. moves pusillanimously to turn commercial control of the seas over to the Soviets; without contest! Who's to blame? We allow this to happen to ourselves. We forgot the sea, as man's great teacher; the master disciplinarian of all mankind. 1982 statistics show port operations bring $67 billions to the economy; 16.5% of all Virginians in port oriented jobs; U.S. agencies shipped 3.7 million tons on American flags, compared to 6.6 millions, costing $725 million, on foreign ships. Who does our government work for! This would have paid all the year's competitive maritime incentives. What a high cost policy failure!

Congressman Forsythe, before his tragic death, seeing the policy promise, called for a "massive grass-roots public Oceanic Education" imperative, maritime unity and a pooling of competitive ideas to tap the now nearly $2 trillion world trade market. But, as we have seen, Congress can't do it alone; it takes constituency. Dramatized imagery, and future commitment accounts for the President leap-frogging the more prosaic "oceanic frontier" in his hundred billions "space station"-star wars, leap for futuristic image. This despite the disproportionate sea-wealth, the sure sea-footing the Nation needs to meet real world contingencies.

World events dictate major "Sea-Change", charting a competitive course to oceanic promise, through understanding, through coherent oceanic policy. Manifestly, what is called for is a "Declaration of Maritime Independence." It is high time we stopped cursing the deep darkness of the sea; and, during this "Year of the Ocean" started lighting maritime candles to spot light the tremendous treasures of the global Uses of the Sea!

## WHO'S REALLY CAUSING AIDS EPIDEMIC?

### HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

**Mr. DANNEMEYER. Mr. Speaker, on September 30, the Salt Lake Tribune printed an editorial by Norman Podhoretz entitled "Who's Really Causing the AIDS Epidemic?" I commend this article to my colleagues.**

**The article follows:**

WHO'S REALLY CAUSING AIDS EPIDEMIC?

When AIDS first appeared among us a few years ago, it was, not unreasonably, expected to unleash a wave of revulsion against homosexuality—or "homophobia," as it has come to be derisively called by all who believe that it is this feeling of revulsion rather than homosexuality itself which is abnormal or unnatural.

Yet while there has been a good deal of revulsion felt and expressed in private, the public response has been a meek acceptance of the idea propagated by homosexual activists that it is the rest of us who are responsible for the existence and spread of this horrible disease.

From the idea that the rest of us are to blame, it follows that we must give "top priority" to halting the spread of AIDS. This, in fact, is what the Reagan administration, speaking through the president himself, has agreed to do.

There are extraordinary implications here, but before they can be clearly brought out, a little history is to be reviewed.

At first, then as part of the campaign to saddle the whole of society with the responsibility of AIDS, homosexual activists appealed not only to our compassion but to our self-interest. Unless something was done quickly, they told us, there was a great danger that the disease would spread beyond the homosexual world and into the population at large.

AIDS, in other words, as the executive director of the Gay Men's Health Crisis insisted, was not "merely a disease of a socially disapproved life style," it was everyone's business.

But these warnings of a general epidemic quickly backfired. Instead of creating a sense among normal people of solidarity with homosexuals, they aroused the very revulsion that the activists had been trying to ward off. People began being afraid of coming into any kind of contact with homosexuals for fear that they might be infected.

At that point, and with panic gathering in the air, the strategy shifted back to an appeal for compassion. At the same time, in conjunction with the debate over allowing children with AIDS into the classroom, the scientific authorities rushed in to assure us that the disease almost certainly could not be caught by casual contact. Furthermore, they added, all the evidence showed that AIDS was still overwhelmingly confined to homosexuals and intrevenous drug users and was not spreading to the population at large.

Now the scientists have gone even further. Only last week, Dr. James O. Mason, director of the National Centers for Disease Control in Atlanta, flatly stated that no new drug or vaccine is needed to halt the spread of AIDS. "We could stop transmission of this disease today," he said, if only homosexuals (and intravenous drug users—but they are another story) were willing to observe certain precautions.

In speaking of these precautions, however, the media, with one or two exceptions like the New York Post, have, as Newsweek puts it, surrendered to "a squeamish lack of specificity." Reporters have used vague phrases like "exchange of bodily fluids" or "intimate sexual contact," and they have rarely pointed to "the correlation between AIDS and extreme promiscuity."

Curious, is it not, that in an age of ubiquitous pornography and blunt speech, it should be so hard to say in plain English that AIDS is almost entirely a disease caught by men who bugger and are buggered by dozens or even hundreds of other men every year?

Yet an amazing proportion of these men who could protect themselves and their "lovers" by giving up such "joys of gay sex" simply refuse to do so. Thus, for example, gay activists have been fighting, successfully in many cities, to prevent the closing of the bathhouses that are a main center of promiscuous buggery. And while, as one well-known gay activist says, because of AIDS "many of us who aren't celibate are almost celibate," for most others "safe sex" evidently now means using condoms and cutting down on the number partners from an average of 64 to "only" 18 per year.

Thanks to this astonishing refusal to take the necessary precautions even after they had every reason to know what might happen as a result, the number of homosexual AIDS victims has been doubling every year.

More astonishing still, not only do these men refuse to assume responsibility for their own sexual habits; they demand that society undertake a crash program to develop a vaccine (or what one activist calls "a one-tablet cure") that would allow them to resume buggering each other by the hundreds with complete medical impunity. And the politicians, from Ronald Reagan (Ronald Reagan!) on down, have rushed to accommodate this fantastic demand.

Are they aware that in the name of compassion they are giving social sanction to what can only be described as brutish degradation?

Do they realize that in thus dealing yet another blow to the increasingly fragile principle of individual responsibility, they are helping to spread a kind of AIDS in the moral and spiritual realm?

Do they understand that with the erosion of the belief that we are all free to choose, and therefore responsible for the choices we make, life becomes as empty as it must be for the men who have been cruishing the bathhouses and the "backroom bars" in search of a way to fill the void but who have been finding AIDS instead?

## CONGRESSIONAL TRIBUTE TO PATRICIA S. MOSSLER

### HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

**Mr. ANDERSON. Mr. Speaker, I rise to pay tribute to Ms. Patricia S. Mossler, one of my district's distinguished public servants, who has just retired from her position as administrative officer of the community development department of the city of Long Beach, CA. She will be honored at a reception this Friday by her friends and coworkers.**

**Ms. Mossler began working for the city of Long Beach, 10½ years ago as a CETA manpower trainee. Through diligence and extraordinary productivity, she rose through the ranks to become the administrative officer of the department. During her service with the city of Long Beach, she had stewardship of nearly $65 million in U.S. Department of Housing and Urban Development community development block grant funds. During her years with the city of Long Beach, the city was cited by both Presidents Carter and Reagan for exemplary use of the community development block grant funds in promoting public and private reinvestment. Ms. Mossler's work in Long Beach will be long remembered by people who as a result of her efforts have gotten jobs in the developing private sector, moved into new or rehabilitated homes, established profitable businesses, and enjoyed using new or enhanced public amenities.**

In addition to her service to the city and the people of Long Beach, Ms. Mossler worked for 25 years in the private sector, and performed wartime service with the U.S. Navy.

My wife, Lee, joins me in wishing Patricia S. Mossler much happiness in the years ahead.

## UPDATE ON NORTH KOREA

### HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

Mr. COURTER. Mr. Speaker, in July I had the opportunity to go to Seoul, South Korea, in my capacity as a member of the House Armed Services Committee to address a conference on North East Asian security. I found my hosts concerned about the growing alliance between North Korea and the U.S.S.R. During the previous year, the two countries had upgraded their military accords, and North Korean President Kim Il Sung had spent nearly 2 months in the Soviet Union and Eastern Europe.

This year, Eastern European and North Korean diplomatic exchanges have been marked by the rhetoric of militant solidarity, as well as by promises of further integration and mutual enterprises for what they call "the international Communist movement."

North Korea continues to accept impressive numbers of new Soviet MIG-23 fighters. Pyongyang, the North Korean Capital, has just been host to the civil aviation officials of the U.S.S.R., Bulgaria, Cuba, Czechoslovakia, East Germany, Hungary, Poland, Vietnam, and Romania. Other high-level delegations from Ethiopia, Romania, and Poland have just left for home. Pyongyang's relations with Libya, and with the pro-Libyan regime in Malta, are better than most other Mediterranean countries would like them to be. And from President Kim has come a message of "warm congratulations and fervent fraternal greetings" to Fidel Castro.

All of this indicates that North Korea, which spends a remarkable 24 percent of its GNP on the military, should be of interest to more than just the South Koreans. The regime declares itself "internationalist" in nature, and it plays a role that is already global, and likely to expand. It is a role which security officials in the United States, Japan, and the other Asian democracies should monitor closely.

## THE 75TH ANNIVERSARY OF THE GREENSBURG CHURCH OF THE BRETHREN

### HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

Mr. MURTHA. Mr. Speaker, this year marks the 75th anniversary of the Greensburg Church of the Brethren. On October 18 as part of that celebration, two charter members—Mr. Murray Bolton, Sr., and Mrs. Jennie Johnson—will be honored. Both events deserve a special comment.

Through the history of this great country, we constantly see the role that the strong church has played in that history. The church has been a cornerstone of strength and a constant source of guidance. Throughout western Pennsylvania in the 75 years that this church has existed, we have constantly seen the church's community and individual aid through times of national crisis, local unemployment, natural disaster, and individuals coping with the major changes of those years. The celebration of a 75th church anniversary, is a celebration we are all part of and can all take pride in.

And certainly the long association of Mr. Murray Bolton, Sr., and Mrs. Jennie Johnson deserves an extraordinary moment of reflection. Consider for a moment the changes these individuals have seen during their lifetimes, the growth of America during those years, the national crises that we have faced as a nation. And as a special part of their lives has been the Greensburg Church of the Brethren, they appear as examples to us of the strong national-religious-individual bond that has served our Nation so well and will continue to as we face the future.

It is a pleasure to note these events in the CONGRESSIONAL RECORD. They certainly deserve our mention, attention, and best wishes.

## A MEDICARE OPTION FOR THE TERMINALLY ILL

### HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

Mr. TAUKE. Mr. Speaker, today under the Medicare prospective payment system and other aggressive health care cost-containment plans, doctors and hospitals are under intense pressure to discharge from the hospital patients whose care needs are no longer acute. This pressure is having a devastating effect on some terminally ill patients, their loved ones, and the health professionals who care for them, as patients and their families must be informed that Medicare will no longer cover the cost of hospitalization and alternative care must be sought.

For the majority of terminally ill patients, alternatives to remaining in the hospital are available and feasible. They include hospice care, home health care agency services, and care in skilled or long-term care facilities. But for some dying patients, these alternatives are either unavailable or not feasible. Not every family is able to have the dying person at home. A Medicare-certified hospice program or home health agency may not be available, and finding a skilled or long-term care bed may necessitate the patient's being far distant from his or her family and friends in the final days of life.

I am introducing legislation today to provide another care alternative for the imminently terminally ill and their families for whom these other options are either unavailable or not feasible. This legislation will permit imminently terminally ill Medicare patients to remain in the hospital after their level of care drops below the acute care level, with the agreement of the patient or his or her representatives, the patient's physician, and the hospital.

In order to trigger this coverage, termed "post-hospital extended care," a physician must, first, certify that the patient has a life expectancy of 10 days or less; and, second, certify that discharging the patient would impose hardship on the patient and family members. The Secretary of Health and Human Services will set reimbursement rates for these services at the amount payable to the average skilled nursing facility in the area for such services and may adjust this rate to take into account the degree to which the services provided by the hospital are more or less intensive than those furnished by the average skilled nursing facility. This coverage may be provided for no more than 30 days.

Perhaps you have on your desk, as I have on mine, letters from the families of now-deceased individuals describing their loved one's and their own anguish and confusion when informed that Medicare would cease to cover hospital care because care needs had fallen below an acute level. And perhaps physicians and hospital administrators have shared with you their anguish over feelings that the "system" leaves little choice but that of informing the dying and their families that an alternative to remaining in the hospital must be found.

I hope you will join me in cosponsoring the legislation I have introduced today to humanize, in a small but important way, the current Medicare system.

## STOP UNFAIR TRADE COMPETITION

### HON. JIM CHAPMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

Mr. CHAPMAN. Mr. Speaker, as you know, America's steel industry has been devastated over the years by imported steel from countries who often subsidize their industries and who, at the same time, impose restrictive import schemes to prevent us from selling steel in their countries.

Last year, the Reagan administration announced a national policy to protect the U.S. steel industry from future unfair foreign competition. Rather than follow the International Trade Commission's recommendation to impose strict tariffs and quotas on foreign suppliers however, the President ordered trade officials to negotiate voluntary 5-year agreements with the leading steel suppliers that, optimistically, would cut foreign steel sales to 18.5 percent of the U.S. market.

Although, not yet a Member of this fine body at the time of the negotiations, I followed them very closely, knowing of the detrimental effect an inadequate and unclear policy would have on my home State of Texas, not to mention on our Nation. Last year alone, two of America's largest steel companies, one in my district, lost $174 million in revenues. More than 18,000 workers have lost their jobs. Foreign suppliers used to hold 9.2 percent of the U.S. market. That number has multiplied almost three times today.

Mr. Speaker, it is a sad fact that unfairly traded steel is not a new issue in this country. But, the administration's national policy does not go far enough to protect the suffering American industries. It is inadequate and unacceptable.

Under this policy, the foreign share of the U.S. steel market would drop by about one-third. Through voluntary restraint agreements that were negotiated with seven nations, steel imports would be limited for 5 years. Unfortunately, to meet this expected level, the decline depends not only on these nations' compliance, but largely on whether nations not covered by the restraint agreements would try to capture a larger share of the American markets.

The ITC reports that, while these seven nations have tried to adjust their supplies to comply with the agreements, foreign steel imports are still well above target. Approximately 1 million more tons of steel entered the United States in the 1984–85 period than during 1983–1984. In the first 7 months of this year, imports captured 26 percent of the U.S. market. Other nations which were left out of the restraint agreements quickly entered the market, many of them shipping illegally subsidized steel here or dumping products in the U.S. market at less than their fair price.

Figures show that imports came from 76 countries, but they included 17 suppliers who had never shipped into the United States before. Sales from Canada, alone, hit record heights.

It is clear that this current national policy is simply not fully responsive to the desperate needs of the people in this industry. It is not enforceable. We cannot negotiate with only seven countries and expect our steel imports to decline dramatically.

That is why I am introducing a bill today, which would stabilize steel imports from countries not already subject to the voluntary restraint agreements under the President's national policy. Import limits under this measure, would be set at 70 percent of each country's imports into the United States during the next 4 years. It would not override the President's policy, but it would enhance the effectiveness and give U.S. negotiators the leverage they need to achieve the President's objective of limiting steel imports to 18 percent of the domestic market. Passage of my proposal would send a message to foreign nations that we are serious in our efforts to stop unfair trade competition.

Without this bill, America will remain the world's dumping ground for steel. Without it, we will continue to lose American jobs. We will lose American tax revenues. We will lose American productivity and we will lose the American way of life.

The steel industry and American jobs can remain viable and even be strengthened in these turbulent economic times, but a more comprehensive program must be implemented. America needs a reasonable approach in our national trade policy before it gets worse.

I urge my colleagues to give close attention to this proposal.

## AN AIR FORCE OFFICER'S CRITIQUE OF THE BISHOPS' PASTORAL ON NUCLEAR WAR

### HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

Mr. HYDE. Mr. Speaker, the National Conference of Catholic Bishops pastoral letter regarding nuclear weapons has provoked considerable discussion among American Catholics in the military. The potential national security implications of the pastoral letter take on added significance when one realizes that approximately 25 percent of the American military is Roman Catholic.

Particularly important for conscientious servicemen is the question of whether there is any conceivable circumstance where it would be morally appropriate to use nuclear weapons:

By pronouncing nuclear deterrence moral, yet defining virtually any use of nuclear weapons as immoral, the American bishops appear to have posed a moral dilemma for military personnel. How can we sustain a moral condition (deterrence), which itself depends upon a commitment to use nuclear weapons when necessary, an act that the bishops define as immoral?

Those penetrating observations are taken from an article that appeared in the July 1985 edition of the Retired Officer. Written by Maj. Bruce B. Johnston, a 1973 graduate of the Air Force Academy, this article incisively analyzes the salient moral questions regarding the use of nuclear weaponry raised by the Bishops' pastoral and I commend it to my colleagues' attention.

[From the Retired Officer, July 1985]

THE AMERICAN CATHOLIC BISHOPS AND NUCLEAR WAR: A MODERN DILEMMA

(By Maj. Bruce B. Johnston, USAF)

As military professionals, we are caught up in one of the oldest and deepest of moral dilemmas: We have attempted, and are still attempting, to build a nation on certain clear moral and social principles, yet the need to protect our nation often causes us to contemplate or take actions that directly contradict these principles.

Although the conflict between needs and ideals is manifest throughout the full spectrum of society's endeavors, it is when societies resort to war that the conflict reaches its most immediate and frightening dimensions. For the 10 millenniums prior to 1945, the conflict has been kept to manageable proportions because destruction was usually, although not always, limited by the capabilities or objectives of the opponents—even when whole peoples became involved in a conflict. Since the detonation of the first nuclear weapon in 1945, the conflict between needs and ideals has assumed a greater significance, since they gave man the ability to destroy whole peoples and societies (indeed, perhaps even civilization).

Recently, the National Conference of Catholic Bishops attempted to deal with the moral dilemma posed by nuclear weapons in its pastoral letter titled "The Challenge of Peace: God's Promise and Our Response." More specifically and to the point for men and women in the Air Force, the pastoral letter examines the morality of nuclear deterrence and the use of nuclear weapons.

Although a minority (approximately 25 percent) of the military is Roman Catholic, the relevance of the statements contained in the letter is far more extensive. For this reason, it is important that we understand the major ideas expressed by the bishops, their implications in terms of current U.S.-Soviet military capabilities, and some of the major moral problems not addressed in the letter.

The term *pastoral letter* is actually a misnomer. Containing approximately 40,000 words, the document is more like a treatise than what one would normally think of as a letter. It deals with several complex problems in addition to the nuclear issue and draws from secular as well as religious sources. Many current and former government officials, including Caspar Weinberger, Eugene Rostow, Edward Rommey, Harold Brown and others, appeared before the drafting committee.

Writing the letter took more than two years and required three major drafts before the Catholic bishops of the United States approved it by a 238–9 margin in May 1983. Four sections of the final document are particularly relevant to the Air Force mission: just war theory, use of nuclear weapons, nuclear deterrence and steps to promote peace.

JUST WAR THEORY

Western societies have wrestled with the just war concept for centuries, and the Roman Catholic Church has been a driving force in this struggle. The discussion concerning just war in the pastoral letter is worth considering because the bishops' position probably closely reflects what the American military institution would regard as just war. The letter distinguishes between when it is permissible to resort to war (*jus ad bellum*) and what is permissible in the conduct of war (*jus in bello*).

The best way to describe the letter's position on *when* it is permissible to take up arms is that it is pacific, not pacifist. The Church opposes any war of aggression and reluctantly supports defensive wars once all peace efforts have failed. The letter carefully explains that nonviolence best reflects the teaching of Jesus, but that force, including deadly force, can be justified in certain instances and that nations have a right to provide for their own defense. As Pope Pius XII stated: "A people threatened with an unjust aggression, or already its victim, may not remain passively indifferent, if it would think and act as befits a Christian."

Specific guidelines for when war is permissible include a just cause, competent authority to commit the nation, right intention, a reasonable probability of success, proportionality, comparative justice and last resort. Essentially, the nation's leaders must carefully subject the use of military force to

each just war criterion and resort to force only when the action meets all criteria.

Once a nation becomes convinced that it must resort to force to protect itself, the conduct of the war is subject to two general principles: proportionality and discrimination.

Proportionality refers to the amount of military advantage that can be obtained from a military action weighed against the amount of damage caused by it. If the damage exceeds the advantage, the act is immoral. It is worth noting that proportionality is not linked to the concept of revenge; that is, the fact that the other side commits immoral acts does not render moral similar acts on your part.

Discrimination is the ability to distinguish between combatants and noncombatants and to direct attack at the former. Of course, recognizing combatants, like recognizing beauty, is somewhat dependent on the eye of the beholder. In reality, selecting valid combatants in a conflict can vary between the extremes of defining combatants narrowly as only armed forces and considering every person, every asset and virtually everything a resource to be used in war.

World War II bombing illustrates the difficulties in making such distinctions. The British described the German bombing of Warsaw as immoral yet themselves engaged in an enormous campaign of bombing civilian targets in Germany. In the case of the British bombing the morale of the German people had been selected as the military target. Still, this campaign bothered not only religious leaders but others too, perhaps most notably the British military historian B. H. Liddell Hart, who wrote.

A new directive to Bomber Command on Feb. 14, 1942, emphasized that the bombing campaign was now to "be focused on the morale of the enemy civil population and in particular, of the industrial workers." That was to be the "primary object." Thus terrorisation became without reservation the definite policy of the British Government, although still disguised in answers to Parliamentary questions.

One is also struck by President Truman's unequivocal statement that he never had any moral reservations about dropping atom bombs on two Japanese cities.

These examples illustrate the problem of discriminating between military and nonmilitary targets, so it is not surprising that the American bishops had difficulty with the issue also. The bishops recognized that modern war requires the mobilization of significant portions of the political, social and economic sectors of a society. Nevertheless, the bishops concluded that even under the broadest definition of combatants, it is not morally permissible to consider certain classes of people as combatants (namely, children the elderly, the ill, farmers and industrial workers engaged in nonwar related endeavors).

According to the letter, such groups may never be directly attacked. Instead, one must link the concepts of proportionality and discrimination in determining how many noncombatants may be killed or injured indirectly during an attack on a valid military target before the military advantage is outweighed and the attack rendered immoral.

Because of the unprecedented potential of nuclear weapons to produce collateral death and destruction, many including the American bishops, feel that nuclear warfare raises new moral questions. In its extreme form, nuclear warfare between the superpowers could lead to the destruction of each side's civilian population. Clearly, warfare has never before posed the possibility of such a moral and physical catastrophe.

USE OF NUCLEAR WEAPONS

Faced with the immense destructive capability of nuclear weapons, the bishops attempted to reconcile the use of nuclear weapons with the two concepts of proportionality and discrimination. Where counterpopulation strikes are concerned, they concluded that such strikes are in no way morally permissible. This prohibition applies even if our own cities have been destroyed. "No Christian can rightfully carry out orders or policies deliberately aimed at killing noncombatants."

In the same category are counterforce strikes on a scale that would cause so many civilian casualties as to be virtually indistinguishable from a countervalue strike, especially given the commingling of military, political, and military significant industrial targets with civilian population centers. Thus, significant counterforce strikes are to be judged immoral in terms of both discrimination and proportionality.

It should be noted that many secular authorities also object to counterforce targeting. Their objections are largely based on the nature of the Soviet bases that would be targeted. Many Soviet military facilities are closely interspersed with civilian population centers, making high collateral damage and civilian casualties probable in a counterforce strike. Twenty-two of the 32 major air bases, some three-quarters of the IRBM and MRBM sites and more than half of the 26 ICBM fields are located west of the Ural mountains, many in densely populated areas of the Soviet Union.

Collateral damage during a counterforce strike quickly approaches that of a countervalue strike if one also includes political centers, command and control centers, and the rail network as valid military targets. In fact, U.S. strategic target planners have always recognized the possibility of collateral civilian damage when attacking military targets and during the 1950s referred to such damage as the "bonus effect."

Only a limited nuclear war in which destruction would be both discriminate and proportionate is morally acceptable, according to the pastoral letter. Moreover, the letter makes clear, the bishops have strong reservations about the ability of the superpowers to keep a conflict contained once nuclear weapons have been used, especially in a confused battlefield situation.

Thus, since there are virtually no situations in which nuclear weapons can be used and be guaranteed to remain within the bounds of acceptable morality in terms of discrimination and proportionality, the conclusions of the pastoral letter are tantamount to denying the moral acceptability of any use of nuclear weapons.

NUCLEAR DETERRENCE

If the use of nuclear weapons is essentially judged immoral, then what can be said about the national defense policy of deterrence, which rests on the possession of nuclear weapons and the unalterable determination to use them in response to a nuclear attack?

Clearly, the possession of nuclear weapons and the determination to use these weapons in a manner that is neither discriminate nor proportionate poses moral difficulties. It is somewhat surprising, therefore, that Pope John Paul II, during the U.N. Second Special Session on Disarmament in June 1982, rendered the following clearcut moral appraisal of nuclear deterrence:

In current conditions, "deterrence" based on balance, certainly not as an end in itself but as a step on the way toward a progressive disarmament, may still be judged to be morally acceptable. Nonetheless, in order to ensure peace, it is indispensable not to be satisfied with this minimum, which is always susceptible to the real danger of explosion.

Obviously, the Pope recognizes the efficacy of nuclear deterrence in preventing a nuclear war. Yet he realizes too, as do most responsible people, that nuclear deterrence is so fragile that we cannot live forever with the status quo. The pastoral letter echoes these awarenesses.

THE SEARCH FOR PEACE

Recognizing that nuclear deterrence, while morally acceptable as a temporary measure, is too dangerous to be accepted forever, the bishops offer some guidelines and steps toward achieving a more acceptable state of the world. The measures that they suggest in the letter go beyond prevention of war, encouraging positive peace making initiatives.

To begin with, there should be immediate bilateral, verifiable agreements to stop the testing, production, and deployment of new nuclear weapons. Efforts should also be directed toward a significant reduction in current nuclear arsenals, starting with counter force weapons. Simultaneously, renewed efforts to prevent nuclear proliferation and to control expanding conventional arms sales should be initiated. Nonviolent means of conflict resolution should be taught and encouraged. Finally, nations should pursue political and economic policies designed to protect human dignity and rights for every person.

Obviously, this agenda goes far beyond putting the nuclear genie back in the bottle. As the bishops acknowledge, there are significant obstacles to achieving such broad, utopian goals. How does one reconcile two opposing political systems to a reduction and eventual elimination of the nuclear threat? The bishops recognize that we face in our Soviet antagonist a political leadership whose ideology and concepts of morality are fundamentally different from those of our country. They further recognize that despite Soviet claims of good will, a better indicator of true motives is Soviet malevolent behavior in the world. Nevertheless, they believe that these circumstances must not prevent us from conducting meaningful negotiations.

Overall, the letter is well balanced, well researched, well written, and well worth reading. In preparing it, the Catholic bishops considered some of the most complex and pressing issues facing the human race today. Although the letter clarifies or can help clarify one's thinking about the moral issues involved with nuclear weapons, there are two crucial areas where the letter is inadequate.

MORALITY AND THE NEW SOLDIER

At this moment, there are thousands of American service personnel who are assigned duties related to America's nuclear arsenal and who are duty-bound to use these weapons on receipt of a lawful command to do so. It seems to me that these modern military professionals are caught in a moral dilemma of considerable dimension. If one momentarily accepts the American bishops' definition of what is moral and immoral, the dilemma becomes quite obvious:

As long as these people simply carry out their duties to provide deterrence, their actions can be viewed as moral.

However, should deterrence fail, our men and women may need to choose between following legitimate orders, in which case they would be condemned by the Church for committing immoral acts, or violating their oath and military ethic and disobeying the order to fire, in which case their refusal would be judged moral by the standards stated in the bishops' letter.

By pronouncing nuclear deterrence moral, yet defining virtually any use of nuclear weapons as immoral, the American bishops appear to have posed a moral dilemma for military personnel. How can we sustain a moral condition (deterrence), which itself depends upon a commitment to use nuclear weapons when necessary, an act that the bishops define as immoral?

Perhaps the solution to this dilemma can be found in one of two ways. First, we could abandon the concepts of proportionality and discrimination and declare the opposing population as a legitimate military target.

Essentially, this position is what the Soviets have adopted; they do not concern themselves with the concept of morality in war. Lenin simplified the whole debate for the Soviets by declaring that morality is not even to be considered in determining a course of action. This line has been followed consistently by all subsequent Soviet leaders. Thus because the Soviets have dispensed with the concept of morality and "led the way" on the matter, we could follow suit, putting aside comparisons between the moral stance of the Soviet military service and our own.

However, abandoning morality is not acceptable to Americans. We as a people do not solve moral problems by simply doing away with morality. We must look therefore, for another solution to our dilemma.

A second possible solution would be to recognize that the concepts of proportionality and discrimination must now be applied within a much larger context for nuclear weapons than for conventional arms.

The whole issue of nuclear weapons must be examined in terms of the consequences if deterrence fails. Is it possible that there is no circumstance where the military value gained by use of nuclear weapons is proportionate to the collateral destruction of nonmilitary targets?

The proportionality of the limited use of nuclear weapons to end a general confrontation as envisioned by Sir John Hackett in his popular book, *The Third World War: August 1985*, can be viewed two ways. In the strict sense, the destruction of the military targets in and around the city of Minsk, as Hackett depicts it, did not justify the attendant loss of the civilian population. This would be the position of the Catholic bishops. However, if the limited use of nuclear weapons results in the termination of the general war and an acceptable peace, then it is difficult to argue that civilian losses in a particular city are disproportionate to the military advantages gained.

The Catholic bishops deny the possibility of proportionality where limited use of nuclear weapons is concerned by stating that they cannot envision any realistic situations in which the use of nuclear weapons would remain limited. Many secular authorities agree with this thesis. If we momentarily accept this major assumption, we are left only with the proportionality of general nuclear war to consider.

It is difficult to imagine any national strategy, Soviet or U.S., that would call for the start of a general nuclear war. Nevertheless, let us assume that the United States has just endured a Soviet first strike that disarmed us significantly, destroying most of our counterstrike capability. The bishops would have us do nothing with the remaining nuclear strike force because any generalized response would be, by their definition, disproportionate and immoral.

The implication of this is clear: the United States must give up. In so doing, we would be electing to do the "moral" thing, but the result would be that a political leadership that recognizes no morality would have a military capability far greater than that of the rest of the world combined. Under these circumstances, what would become of our surviving countrymen? Furthermore, and in more general terms, what would become of our West European allies? Who can believe that they would be spared the loss of their freedom and dignity?

Viewed within this larger context, the concept of proportionality takes on new signficance. As Western military professionals, we shudder at the thought of annihilating millions of Soviet civilians. Applying the concept of proportionality in its usual sense, perhaps the value gained by destroying the military targets in Moscow would not be worth the death of several million civilians.

But if the alternative is the loss of basic human rights and dignity for hundreds of millions of our countrymen and allies, it is difficult to judge the destruction of the Soviet war-making capability as being disproportionate to the value gained by Western civilization, even assuming the death of tens of millions of Soviet civilians. Thus, in today's world, the concept of proportionality must be rethought on a global scale that considers not only the potential scope of modern warfare but the long-range results of victory or defeat.

SHAPING A PEACEFUL WORLD

The second serious deficiency in the pastoral letter is its discussion of steps that we should take (with our antagonists) to reduce the risk of war and create an acceptable, harmonious world in the future. I found two short-comings in this discussion.

First, the bishops recognize that there are great moral differences between our society and that of the Soviets. However, they do not go far enough. The differences go beyond the fact that Marxist-Leninists operate from an entirely different moral basis than we do. The dialectic that forms the foundation of their political doctrine does not allow for the exsitence of our sociopolitical system alongside their own for any extended period of time.

The point is crucial. The communists see themselves as locked in a cataclysmic struggle with Western capitalistic societies, the conclusion of which can only be the utter and complete destruction of the capitalists system. This idea within Marxist-Leninist doctrine has been constant and unchanging since Lenin established the communist state in 1917.

Furthermore, this doctrine gives the Soviet leadership a sense of being the "chosen" ones and a sense of inevitability about the ultimate triumph of their system. This attitude can be accurately described as close to an article of religious faith. It is one thing to deal with a political adversary who operates from different philosophical and moral precepts yet recognizes the right of others to live under different systems. It is quite another thing to deal with an adversary who is bent on the destruction of all other systems.

This difference is not adequately recognized by the pastoral letter. Because of this shortcoming, the whole discussion of steps to promote peace takes on an almost Pollyanna quality in its over-simplification.

A second shortcoming in the bishops' discussion of peacemaking is the lack of specifics concerning what should be done. The bishops encouraged the United States to negotiate effective arms control treaties leading to disarmament, to ratify pending treaties and to develop nonviolent alternatives. This is the usual advice that one can find in many sources, and who would disagree?

The difficult and unanswered question is how. Aside from a broad suggestion that we should take advantage of Soviet-American mutual interests, the bishops offer no proposed initiatives, no insights, no moral perspectives that shed new light on this murky issue. The shallowness of this particular section of the letter is especially disappointing since we urgently need assistance in dealing with an adversary who openly proclaims our destruction as his final goal.

By not identifying this core problem and dealing with it in their pastoral letter, the American bishops missed a chance to make a lasting and significant contribution to the problem of attaining a just and lasting peace in the modern world. We can only hope that clergy in our nation will again consider these problems and develop more useful moral constructs to guide both policymakers and soldiers as we wrestle with the frightening realities of our nuclear world.

If they chose to make the attempt, they would do well to remember these words of St. Augustine: "War and conquest are a sad principle, yet it would be still more unfortunate if wrongdoers should dominate just men."

## CONSECRATION OF THE GREEK ORTHODOX CHURCH OF ST. DEMETRIOS IN JAMAICA

### HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

**Mr. ACKERMAN. Mr. Speaker, I rise today in tribute to the Greek Orthodox Church of St. Demetrios of Jamaica, NY, on the momentous occasion of the church's consecration ceremony, procession and celebration, on November 3, 1985.**

**St. Demetrios is the largest Greek Orthodox Church in New York. With a membership of 5,000 families, it is the fourth largest church of its kind in the United States. Since it was founded 58 years ago, the church has dedicated itself to the education, welfare, and spiritual well-being of the people of Queens, and it has become an important institution in the Jamaica community.**

**Mr. Speaker, the people of St. Demetrios have recognized and emphasized the importance of education. A day school, now in its 20th year, educates youngsters from prekindergarten through the eighth grade. An accompanying high school began sessions 4 years ago, and was fully accredited within its first 2 years. The quality of these classes is an impressive testament to the commit-**

ment of St. Demetrios to the children of Queens.

Through its Lady's Guild, St. Demetrios has also led the religious community of Queens in many worthwhile community action programs. Indeed, the church recently hosted workshops on social issues for religious leaders from many neighborhood churches and synagogues.

St. Demetrios will celebrate its consecration with a 2-day program, beginning with vespers service on November 2. On the day of the consecration, His Eminence, Archbishop Iakovos, Primate of the Greek Orthodox Church of North and South America, will officiate along with other leading prelates and clergymen. St. Demetrios will be officially dedicated to God as an Orthodox Christian House of Worship.

Mr. Speaker, I would like to publicly commend the outstanding rector of the congregation, Father Emmanuel Pratsinakis. I would also like to congratulate the fine officers of the parish council: George Kapetanakos, president; Marina Giannakakis, first vice president; Mannie Frangas, second vice president; Constantine Efthymiou, secretary; Nicholas Flocatoulas, treasurer; and the general chairman, John Linakis. The hard work and dedication of these men and women and their congregation has touched the lives of thousands of people in Jamaica and all of Queens County.

Mr. Speaker, I call on all of my colleagues in the U.S. House of Representatives to join with me now in congratulating the Greek Orthodox Church of St. Demetrios on the auspicious occasion of the consecration of the church.

## NATIONAL ASSOCIATION OF UNDERWATER INSTRUCTORS CELEBRATES ITS 25TH ANNIVERSARY

### HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

Mr. LEWIS of California. Mr. Speaker, in early February, the National Association of Underwater Instructors began its yearlong observation of its silver anniversary. Throughout 1985, NAUI's domestic and foreign affiliates have been marking their 25th birthday with numerous special events and publications. The culminating event will take place at NAUI's International Conference on Underwater Education to be held in San Diego, CA, this November.

Recognizing a need to train diving instructors and to approve and standardize diving methods across the country, Neil Hess wrote a column entitled "The Instructor's Corner" in the first national publication devoted exclusively to diving—Skin Diver. At the same time Hess organized an instructor program called the National Diving Patrol. The year was 1951.

The fifties saw an amazing increase in public interest in the sport of diving. In 1959, the National Diving Patrol went through some reorganization, and changed its name to the National Association of Underwater Instructors, and became the official training arm of the Underwater Society of America. It was then that the idea of national standardized certification got its strongest boost. NAUI's first instructor training course was held in Houston, TX, in 1960. Fifty candidates were certified at the end of the 6-day course.

For several years during the mid-sixties, a man by the name of Al Ulrich managed NAUI on a part-time basis. In 1968 he became the first full-time general manager and he moved the headquarters to his garage in Grand Terrace, CA. Al's wife and children pitched in to help manage the growing association. Very shortly, the NAUI grew out of its garage headquarters and into a nearby office building. Eventually, due to continued growth, the NAUI took over the entire building.

Since its beginning, the association has certified approximately 8,000 instructors, who, in turn, have taught millions of people worldwide the skills of scuba diving.

NAUI has set the standard over the years for diving instruction. Its dedication to safety and simplicity have made diving an enjoyable sport for countless enthusiasts as well as for amateurs. The world of scuba diving has only benefited from NAUI's innovative attitude.

Mr. Speaker, I am extremely proud of the accomplishments of the National Association of Underwater Instructors, and, having been a diver myself, I am grateful to them for their understanding and commitment to the sport. It is, therefore, my pleasure to wish NAUI a very happy 25th birthday. Many more.

## DEATH WITH DIGNITY

### HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

Ms. SNOWE. Mr. Speaker, today the House Select Committee on Aging held a hearing on a very important topic—death with dignity.

The notion of the right-to-die is peculiar to our times. While the issue is not new, modern technology has changed our understanding of life and death. To the fear of dying we have now added the fear of dying without dignity. We have grown to view with horror the dying process more than death itself. Being left as a helpless patient in an institution, subjected to invasive treatment, even though there is no hope of recovery, is a powerful image. This fear has lead to the formation across the Nation of "right-to-die" organizations with the goal of obtaining legislation to provide the terminally ill person, who no longer is able to communicate, with some control over the dying process.

Until recently, to die was not generally conceived of as a right. To die was everyone's fate. To die "well" was to die with courage, faith and resignation. Today, to die "well" has taken on a different meaning. In the case of the terminal patient without awareness or prospect of regaining it, dying "well" means being allowed to die without being sustained by artificial means.

The "Living Will" is a declaration which allows a person to instruct his or her physician to withhold extraordinary medical treatment in the final stages of a terminal illness. These wills have been adopted in 35 States and the District of Columbia and considered by all but two of the remaining States. An example of a "Living Will" is the one adopted by my own State of Maine just last month. It reads:

If I should have an incurable or irreversible condition that will cause my death within a short time, and if I am unable to participate in decisions regarding my medical treatment, I direct my attending physician to withhold or withdraw procedures that merely prolong the dying process and are not necessary to my comfort or freedom from pain.

I think it is important to emphasize that we are not talking about leaving the patient in pain or discomfort, but rather providing only the necessary medication or equipment to make the patient comfortable during his or her final moments.

While the "Living Will" provides us with an important ingredient to assist us in decisionmaking, problems may still arise. In many situations, the living will legislation has not been sufficient to guarantee patient's rights. The next step is, therefore, to designate a family member, friend or other individual to speak for the patient if he or she is no longer able to communicate. Although all 50 States have provisions for designating a durable power of attorney, only about 10 States have extended the power into the medical context. From the patient's perspective, an agent would help to assure that an incapacitated patient receives treatment in accordance with his or her own wishes.

As it becomes more and more complex to define the biological boundaries of human life with the advance of technology, it also becomes increasingly important for the individual to have the right to determine at what point he or she wants to die and thereby maintain dignity in death.

## NOTING THE RETIREMENT OF HARRY K. WILCOX

### HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

Mr. MURTHA. Mr. Speaker, recently there was a special retirement celebration for Mr. Harry K. Wilcox to note his years of outstanding work in the health care field in Westmoreland County, PA. His contributions certainly deserve our attention and recognition.

Harry Wilcox worked at Westmoreland Hospital from April 1968 through June 1984, then at southwest health system for an additional year.

Consider for a moment the momumental health care changes—a virtual revolution in medicine—that occurred during those years. Those who were present in the forefront of health care and delivery during those years can take tremendous pride in the acomplishments they achieved and the increased and enhanced care provided for millions of Americans.

It is in the individual, daily tasks of millions of individuals that the history of America is written. No one can look at the last two decades of American medicine without knowing that its advancements will be noted in every history book of this era. During his retirement, I hope Harry Wilcox will reflect on those tremendous accomplishments and know that he carries with him our thanks and best wishes.

## TRIBUTE TO A COMMUNITY MENTAL HEALTH PIONEER—PAUL J. COOPER

### HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

Mr. OWENS. Mr. Speaker, I rise to speak in recognition of the fact that the Government of the United States has invested billions of dollars to improve the mental health of its citizens. In exchange for this investment we have generally achieved results that are exemplary. Part of the reason for the great success of this program is the intense dedication and high degree of professionalism shown by the workers and administrators who have implemented the program throughout the Nation.

One outstanding example of the kind of magnificent, professional leader in the field of community mental health who has made the movement a success was the late Paul J. Cooper, Brooklyn regional director for the New York City Department of Mental Health.

In honor of Paul Cooper's outstanding achievements in the field of community mental health it has been proposed that the Ocean-Hill Brownsville Community Mental Health Clinic be renamed the Paul Cooper Community Mental Health Clinic. A ceremony in honor of Paul Cooper is being sponsored by the clinic on Sunday, October 11, 1985, at St. Ignatius Loyola Parish Hall on Rogers Avenue between Carroll Street and Crown Street at 3 p.m.

Paul J. Cooper served as regional administrator for the New York City Department of Mental Health from 1972 to 1982. Prior to this appointment he served as the executive director of the Brownsville Community Corp. from 1968 to 1972. During his period of service as the chief administrator of the Brownsville community action program, Paul Cooper assisted board chairlady Dorothy Deschamps and clinic director Evelyn Abelson in establishing an independent community-based mental health clinic directly licensed by the State of New York.

The clinic, which is presently located at Utica Avenue and Lincoln Place, has a staff of nearly 120 workers. It offers a variety of outpatient psychiatric services; counseling for alcoholics; and it supervises homes for the mentally retarded. The responsibilities of the clinic were recently expanded when it was awarded a contract to administer two additional homes for the mentally retarded.

From the startup of this vitally needed community-based institution until his death, Paul Cooper answered numerous calls for help and played an invaluable role in maintaining funds for the clinic during periods when the city was under great fiscal strain and eliminating many community-based operations. Paul Cooper was truly the great protector for community mental health services in the central Brooklyn communities of Brownsville, Ocean-Hill, and Crown Heights.

Paul J. Cooper was born on January 16, 1917, and died on March 29, 1984. He is survived by his wife, Annie V. Cooper. Paul Cooper was a dedicated member who served in the highest leadership positions of the Widow's Son Lodge No. 11 of the Prince Hall Masons. He also achieved the high honor of serving as the Most Worshipful Grand Master of New York State. The credo of service of his Masonic order was always reflected in the community outreach and dedication of Paul J. Cooper.

## DR. SAMUEL B. GOODSON—MAN OF THE YEAR

### HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

Mr. MOORHEAD. Mr. Speaker, on Friday, October 4, 1985, Dr. Samuel B. Goodson will be honored as the HEAR Center Man of the Year with the receipt of the Glen H. Bollinger Humanitarian Award.

Born in Canada in 1914, Dr. Goodson came to the United States as a 10-year-old boy and attended schools in Illinois and Indiana. After graduation from the University of Illinois College of Medicine in 1942, he volunteered for the service and served as a first lieutenant in the Army Air Force Medical Corps; he soon attained the rank of captain.

At the end of the war, Dr. Goodson resumed his education, then moved to California in 1952 to establish a medical practice specializing in eye, ear, nose, and throat. Two years later he became one of the founding members of the board of directors of the HEAR Center, a nonprofit organization that has freed countless children from the world of silence. The center provides training to both children and adults with hearing and/or speech problems and enables them to take an active role in their community despite deafness or hearing difficulties.

It has taken people with special skill, dedication, and responsibility to provide the needed services and achieve the goals of the HEAR Center. Dr. Goodson is such a person and he has significantly touched the lives of thousands of individuals who are deaf or hard of hearing. I am honored to add my congratulations to the many Dr. Goodson is receiving on this auspicious occasion.

## THE RETIREMENT OF COL. DALE L. BRAKEBILL

### HON. JIM CHAPMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

Mr. CHAPMAN. Mr. Speaker, in all of the debate regarding America's defense requirements, little mention is made of one of the most important factors in America's defense readiness, the moral of our fighting men. There is little more important to the defense of our Nation than those human factors which determine whether our Armed Forces can meet the challenges presented them.

Over the last 30 years, U.S. Air Force has enjoyed the faithful service of one of my constituents, Col. Dale L. Brakebill. Colonel Brakebill began his Air Force career with the Reserve Officers Training Corps at Texas Christian University in 1955. Since that time, his personnel responsibilities in the Air Force have spanned the globe, from special services officer for the 5th Air Force at Nagoya and Fuchu, Japan, to executive officer to the deputy chief of staff for personnel at Headquarters U.S. Air Force, Pentagon. He has served as base commander at Travis Air Force Base, CA, in numerous capabilities at the Air Force Manpower and Personnel Center at Randolph Air Force Base in San Antonio, to his final assignment as assistant deputy chief of staff for personnel, Headquarters Air Force Logistics Command, Wright-Patterson Air Force Base, OH. Make no mistake, Mr. Speaker, that personnel management in the Air Force is a most difficult assignment. During his tenure, Colonel Brakebill has devoted hard work, commitment, and expertise to the Air Force, becoming one of its valued experts in the area of personnel management. His devotion to service has won him numerous awards and decorations, including the Legion of Merit, the Meritorious Service Medal, the Joint Service Commendation Medal, and the Air Force Commendation Medal.

It is indeed my pleasure to join Colonel Brakebill's many friends and colleagues in saluting him for his dedicated service to our Nation's defense. His dedication to duty, and willingness to go the extra mile to assure that the U.S. defense is second to none will be sorely missed. I join with the people of Mount Vernon, TX, all of Franklin County, and his fellow citizens from the First District of Texas, in saying, "Thank you, Colonel Brakebill, for a job well done."

## REVEREND BRYER'S SEVENTH ANNIVERSARY AS PASTOR OF QUEENS CHURCH

### HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

Mr. ACKERMAN. Mr. Speaker, I rise today in tribute to Rev. Irvine Alafia Bryer, Jr., on the joyous occasion of his seventh anniversary as pastor of the Hollis Avenue Congregational Church of Queens Village, NY, which will be celebrated on October 6, 1985.

Mr. Speaker, Reverend Bryer is a dynamic religious and social leader who has become an inspirational force in the Queens community.

Reverend Bryer, a Vietnam veteran, was ordained in 1974, and became pastor at the Hollis Avenue church in 1978. His energetic involvement in the New York community—as campus minister at York College in Jamaica, Queens; as a chairman of the Metropolitan Black Clergy; and as secretary of Interchurch Ministries of Queens—have led to numerous awards. He is a Benjamin Mays Fellow, and a winner of the Girl Scouts of Greater New York Service Award. Captain Bryer has even earned a U.S. Army letter of commendation for his position as chaplain of the 369 Transportation Battalion of Harlem in the New York National Guard.

Mr. Speaker, all of Reverend Bryer's activities on behalf of social justice and spiritual strength are too numerous for me to repeat now. His influence, however, has extended far beyond his congregation to touch countless people in Queens County and all of New York. He has set an impressive example of the impact that one person with sufficient dedication and courage can have.

Hollis Avenue Congregational Church will be celebrating the pastor's seventh anniversary on Sunday, October 6, 1985, with worship services, refreshments, and a banquet. Rev. Fredrick Ennette of Concord Baptist Church in Brooklyn and Rev. James Kelly of Calvary Baptist Church in Queens will be the special guest speakers to honor Reverend Bryer.

I call on all of my colleagues in the U.S. House of Representatives to join me now in expressing our appreciation to Rev. Irvine A. Bryer on this momentous occasion, and in wishing him success and happiness as he continues his invaluable contributions to the New York community.

## A TRIBUTE TO RAYMOND J. KUHN, ON 80 YEARS OF EXCELLENCE

### HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

Mr. TRAXLER. Mr. Speaker, I rise before this distinguished body today to pay tribute to Mr. Raymond J. Kuhn, a longtime personal friend, mentor, and a remarkable individual, on the occasion of his 80th birthday.

Ray, who is a lifelong resident of Bay City MI, was schooled at Bay City St. James School and St. Joseph's Seminary in Grand Rapids. He spent 45 years with the Bay City Times, and during his distinguished career there he held positions of ever-increasing responsibility. Such positions as sports editor, wire editor, city editor, news editor in 1959, and managing editor in April of 1966.

Raymond was chosen to represent Booth newspapers at Pope Paul VI's first visit to the United States in 1965.

In 1964, Ray was awarded the Delta College Presidents Medal for Distinguished Service to the college and the Bay City community. Indeed, Ray has risen to a statute within political and journalistic communities of which few people can boast.

Accomplishing all of these activities would seem to be enough to satisfy most of us in a lifetime, but for Ray Kuhn the list of achievements goes beyond his journalism involvement.

He acted as Bay County's Civil Defense Coordinator, and taught journalism at the Northwood Institute in Midland, MI. Ray then joined the staff of the Michigan Association of Counties in 1974.

No tribute to Ray could be made acknowledging his lifelong interest in the political process. I am especially grateful for the personal counsel, friendship, and advice he gave me during my formative political years. I would not be in the Congress today but for Ray Kuhn. Ray is a lifelong Democrat who numbers many Republicans among his closest friends.

I would like to take this opportunity to thank and commend Ray for his tremendous contributions to me and to the Eighth Congressional District and to the entire State of Michigan. I am sure that as Ray celebrates this wonderful event in his life, he has many fond memories to reflect upon, and is enjoying a sense of fulfillment and accomplishment. I would like my colleagues to join with me today in wishing Ray every continued success in the future.

## FRIENDS TO PARENTS

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

Mr. LANTOS. Mr. Speaker, in recent years the demand for infant and child care and for parent support centers for single, low-income, and teenage parents has increased dramatically. Family disharmony, poverty, unemployment, and lack of information about community resources are but a few of the problems these parents face. Some of these parents are unable to provide for their child's basic needs, some lack parenting skills, others are living at great distances from their family and friends, and still others face problems which are a threat to the welfare of both children and their parents.

I would like to call the attention of the Congress to one outstanding private organization in my congressional district which has been established to meet these important needs. In northern San Mateo County, CA, Friends to Parents was created to help, low-income, single, and teenage parents deal with the problems associated with raising children.

This group was created in 1974, and in 1976 the Infant Care Center opened with an enrollment of 14 children. Over the years since that time, the organization's programs have greatly expanded.

Friends to Parents now offers a variety of important services to aid both parents and their children. It is a nonprofit developmental day-care center for children from birth to 36 months old. The center provides subsidized child care for low-income families, a daily balanced food program for 55 infants, resource and referral services for concerned or stressed parents, special classes, and workshops.

Friends to Parents also maintains a supply of new and used infant and maternity clothing and accessories donated by individuals, private and public agencies, and businesses. Parents who are in need receive these services free of charge.

In the day-care center children are cared for while their parents are working, attending school, participating in job training programs, searching for employment, or undergoing therapy. Priority for admission is given to children who are at risk of abuse or neglect with special consideration for those from low-income families and teenage parents.

We must not overlook the special needs of these parents who require individual help. Our local communities must take the lead in meeting the needs of low-income and teenage parents. Mr. Speaker, I am delighted to commend the outstanding example of Friends to Parents.

## HONORS JOHN E. LAWE

### HON. JOSEPH J. DioGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

Mr. DioGUARDI. Mr. Speaker, I rise today to honor John E. Lawe, president of the Transport Workers Union of America, AFL–CIO.

John Lawe, a native of Stokestown in County Roscommon in Ireland, came to the United States, as did my father, to share in the opportunity society that makes America unique of all nations in the world.

John started working in the New York City transit system and, under the leadership of the late Mike Quill, rose to the presidency of local 100, a position he held for nearly 10 years.

John was named president of the Transport Workers of America, AFL–CIO, this spring and will, no doubt, continue the strong and dedicated leadership that has

been a trademark of this American hero. Still active in American-Irish affairs, his record of accomplishment in the field of voluntarism is stellar.

I am proud to deliver this statement in honor of John, who will be honored as the 1985 recipient of the Distinguished Service Award of the American-Irish Association of Westchester County. He is truly worthy of this noble award. Thank you, Mr. Speaker.

## IMPORTANT TRADE WITH JAPAN

### HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

Mr. BENNETT. Mr. Speaker, at a time when we are all looking for ways to improve America's balance of trade with Japan, our distinguished U.S. Ambassador to Japan, Mike Mansfield, has very appropriately attended an event in Tokyo to pay tribute to an American company which has enjoyed phenomenal success in marketing English language systems in Japan.

On August 6, 1985, at a banquet attended by its 600 employees, sales representatives, and guests at the Tokyo Hilton, the company celebrated 15 years of sales in Japan. Building on the success of the company's audio cassette English language programs, the Pro-English Learning System for adults, and Disney's World of English for children, the occasion also marked the introduction of the company's new video cassette system for teaching American English to the Japanese, known as In America.

I am told that sales in Japan by this company, Learning Technologies—formerly International Horizons—have to date exceeded $300 million. It is apparent that Learning Technologies has made and, with the introduction of its new product, will continue to make a substantial contribution to America's balance of trade with Japan.

Herbert Scheidel, a lifelong resident of Jacksonville, FL serves as president of Learning Technologies. It is of special interest to me that the new U.S. offices of this dynamic company have been established in Jacksonville. We wish them continued success at their new address: Oaks Plaza East, 800 Arlington Expressway, Jacksonville, FL, 32211.

Mr. Speaker, I include the remarks of Ambassador Mansfield in the RECORD:

REMARKS BY AMBASSADOR MANSFIELD TO THE INTERNATIONAL HORIZONS ANNIVERSARY BANQUET

President Scheidel, distinguished guests, it is a pleasure for me to be here tonight to congratulate International Horizons for two noteworthy achievements. One is its 15th anniversary in Japan. The other is the inauguration of a new "In America" video cassette system to promote the study of the English language. This new system, which was developed at a cost of 3.7 million dollars and which utilizes the talents of both linguists from Harvard University and television and film celebrities from the United States, is expected to greatly increase the study of the English language here in Japan.

I cannot emphasize too highly the importance of the study of foreign languages. Language is a mirror of society and when one studies the language of another country one also acquires an insight into the social and cultural dynamics of that land. Language study also enables the student to read the original written word, from literature to newspapers, thus bypassing a translation which sometimes imposes certain restrictions on the true meaning of the text. And when the study includes the spoken word as well, as International Horizons' systems do, then one acquires the confidence to speak directly with the local people, making communication even more direct and personal.

One of the more positive developments on the international scene in the post-war period has been the emergency of English as an internationally accepted language. I applaud that development because first, it brings order to the international communication field. Second, it gives American companies who have the interest and the necessary resources a headstart in producing top quality teaching aids that will facilitate the study of English in many countries like Japan. Fostering English language studies in Japan can help in turn to foster more interest in America, its culture and its products.

In closing let me congratulate President Scheidel and everybody else involved with International Horizons' activities in Japan. Your role in promoting international communications is an important one and in pursuing your business you contribute to mutual understanding between the United States and Japan. You also help to solidify the most important bilateral relationship in the world—bar none.

## H.R. 3427: LEGISLATION TO ESTABLISH A MOTOR CARRIER ADMINISTRATION

### HON. JOHN B. BREAUX

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

Mr. BREAUX. Mr. Speaker, I have introduced H.R. 3427, legislation to establish a Motor Carrier Administration within the U.S. Department of Transportation. As proposed, the bill would authorize consolidation of motor carrier policy, management, and operations into one office. By purpose, the legislation is designed to improve and enhance the policy and regulatory framework of motor carrier programs, as well as to enable more efficient and effective program development and implementation, as a result of the proposed consolidation.

Intended beneficiaries of the Motor Carrier Administration are the motor carrier industry, the public, and the Federal Government.

The motor carrier industry is composed of private and for-hire trucks and buses. Daily, the industry serves the public through freight and passenger transportation. Grouping motor carrier programs into a single unit, namely the Motor Carrier Administration, would allow the industry to serve the public better and the Federal Government to work more effectively with the industry.

Unifying these programs under the Motor Carrier Administration, would facilitate administration of motor carrier productivity, safety, hazardous materials transportation, vehicle size and weights, environmental protection, and taxation issues. Just as important, program duplication could be eliminated.

A Motor Carrier Administration would allow for a better coordinated and more cohesive development and implementation of motor carrier policy, management, and operations. Identification of and solutions to problems could be improved. Industry and Government could communicate and work together more effectively and efficiently. Motor carrier operations could be made safer and more productive as the result of a consolidation, to the benefit of the public, the industry, and the Federal Government.

The concept of consolidating transportation programs and administering them under a unitary plan has precedent. Established and operational today are the Federal Aviation Administration, the Maritime Administration, and the Federal Railroad Administration.

Mr. Speaker, I call on Members of the House of Representatives to consider this legislation and to join in its sponsorship to show support for establishment of a Motor Carrier Administration.

## HONORS KEVIN GERALD O'ROURKE

### HON. JOSEPH J. DioGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

Mr. DioGUARDI. Mr. Speaker, I rise today to honor Kevin Gerald O'Rourke, the 1985 recipient of the Irish Man of the Year by the American-Irish Association of Westchester County.

Kevin was among those who founded the A.I.A. and has served as president, vice president, and more recently as counsel to this organization. I am most appreciative of his work as chairman of the Irish issues committee of the A.I.A. particularly in the area of international relations.

Thanks to efforts by men such as Kevin, the continued oppression of the Irish people in the northern counties of this divided nation has received unprecedented attention.

The issues go beyond discrimination against the Catholic majority in the British-occupied counties, but also to the question of immigration, extradition of political dissidents, and the intransigence of Prime Minister Thatcher to recognize the severity of these questions.

Under Kevin's leadership, the A.I.A. has become among the premier international unity organizations in the United States. I am proud to work with Kevin on these important issues and am convinced that one day the dream of a free and a united Ire-

land will once again become a reality. Thank you, Mr. Speaker.

## EDUCATION SECRETARY BENNETT ON BILINGUAL EDUCATION: MIXED UP OR MALICIOUS?


### HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES


*Tuesday, October 1, 1985*

**Mr. GARCIA. Mr. Speaker, recently the Secretary of Education, Mr. Bennett, proposed to deregulate Federal bilingual education. This proposal is based, not on reasonable argument, logic, or information, but on culturalist and political assumptions.**

**Mr. Bennett is simply wrong on his facts. For instance, as Mr. Jim Lyons of the National Association for Bilingual Education points out; in arguing against the public laws and policies he was hired to implement, Secretary Bennett cited the tragic and dangerously high dropout rates of Hispanic students as proof that Federal laws and policies were wrong. Nowhere in his speech did Bennett acknowledge the fact that most Hispanic students have never attended bilingual education classes.**

**Jim Lyons in the following article, further illuminates how lose with the facts Secretary Bennett is regarding bilingual education and I recommend the article to my colleagues.**

EDUCATION SECRETARY BENNETT ON BILINGUAL EDUCATION: MIXED UP OR MALICIOUS?

(By James J. Lyons)

Secretary of Education William J. Bennett launched the Reagan Administration's "initiative" on bilingual education Sept. 26th. In a media-hyped speech to the Association for a Better New York, Bennett attacked the new Bilingual Education Act, passed by an overwhelming bipartisan majority in Congress last fall following three years of study, hearings, and debate. At the same time, Bennett branded as "a failure" two decades of federal policies to help educate language-minority students. Lost upon many listeners of the Secretary's lengthy address was a more fundamental message: equality of educational opportunity no longer means what it used to; language-minority students—native American, immigrant, and refugee—must be satisfied with only a partial education.

Veteran Washington observers were shocked by the vehemence of the Secretary's attack. Both prior to and immediately following the Secretary's confirmation last February, Bennett repeatedly declined to give his views on how the federal government should help communities across the land educate more than four million language-minority students who don't know English well enough to learn successfully in monolingual English classrooms. Exhibiting uncharacteristic reticence and thoughtfulness, Mr. Bennett promised that he would undertake a thorough examination of this complex and compelling issue.

In his New York address, lawyer-philosopher Bennett, who recently has taken to teaching high school American history under the doting eye of network television, recounted the development of federal bilingual education policy. In so doing, Bennett not only rewrote the history of bilingual education, but he also redefined the meaning of equal educational opportunity.

According to Bennett "the responsibility of the federal government must be to help ensure that local schools succeed in teaching non-English speaking students English, so that every American enjoys access to the opportunities of American society."

Certainly none of the members of Congress who developed and voted for the new Bilingual Education Act last year would question the importance of effectively teaching English to language-minority students. And the Hispanic leaders and advocates of bilingual education whom department officials charge are out of touch with their constituents have never discounted the importance of teaching English to language-minority students.

However, no one with an ounce of sense would say that a child who has mastered English but who has not learned mathematics, history, geography, civics and the other subjects taught in school was educated or prepared for life in this society. Why Secretary Bennett, who generally champions a rigorous comprehensive education, has so narrowly set out the purpose and goal of schooling for language-minority students is anyone's guess. It may be that Bennett finally knuckled under to U.S. English, a well-financed private lobby group which opposes use of non-English languages in public education, or for that matter, for any public purpose.

What is clear is that Bennett's narrow and unworkable definition of what constitutes equal educational opportunity is central to his confused attack on federal law and policy.

In arguing against the public laws and policies he was hired to implement, Secretary Bennett cited the tragic and dangerously high dropout rates of Hispanic students as proof that federal laws and policies were wrong. Nowhere in his 17-page speech did Bennett acknowledge the fact that most Hispanic students—indeed, most students eligible for federal bilingual education services—have never attended bilingual education classes.

And so, Secretary Bennett has declared that English-as-a-Second Language (ESL) and undefined "immersion" programs are viable alternatives to bilingual education. Yes, ESL is a sound method of teaching English to non-English-language-background students, especially when carried out by bilingual school personnel. And that is exactly why the new Bilingual Education Act now requires that every federally funded program of bilingual education provide intensive "structured English language instruction." The trouble is that ESL and so-called "immersion" programs often fail to teach anything other than English!

Prior to enactment of the federal Bilingual Education Act of 1968, language—minority students who didn't know English were universally ignored. If schooling were available at all, it was tailored to the needs of English-language-background students. A majority of the parents of limited-English-proficient students today are themselves the casualties of this earlier educational neglect.

Thanks to federal policy—enactment of the Bilingual Education Act and other compensatory education programs, the 1974 United States Supreme Court decision in Lau v. Nichols, and technical assistance to help school districts achieve civil rights compliance—the situation has improved. Because of federal encouragement and financial support, ESL and native language instructional methods have been developed, teachers have been trained, classroom materials have been prepared and published, evaluation instruments have been written and refined . . . the list goes on and on. Now, many more teachers can comprehend a student's question or even the simple plea "I don't understand" when it is delivered in the only language the child knows.

Federal education and civil rights policy have increased the number of school personnel who can communicate with non-English-speaking students and parents. It has, if you will, opened the schoolhouse door. Moreover, the new Bilingual Education Act requires that parents will receive information about the placement and progress of students in programs funded under the Act, and gives parents the right to decline placement of their childern in these programs.

Most importantly, federal bilingual education policy has made it possible for parents who don't know English to become active partners in their children's education. The principle of parent choice—championed so ardently by Secretary Bennett—is at the heart of bilingual education law and policy.

In support of his pared-down concept of equal educational opportunity, Secretary Bennett decried the "lack of flexibility" in current federal law and policy. At the same time, the Secretary conveniently ignored a number of facts. He ignored the fact that more than 300 school districts applied for the supposedly "inflexible" Transitional Bilingual Education Program grants this year, but that the department was able to fund just over 100 applications. He ignored the fact that 48 school districts and community organizations asked for seed-money grants to start Family English Literacy Programs, but that the Department made money available for only four of these programs. And he did not tell his audience that the Administration has already asked Congress to eliminate all funding for Family English Literacy Programs next year.

The Administration's budget proposal to "zero-fund" Family English Literacy Programs next year provides a clue to the question of whether Secretary Bennett is mixed-up or malicious. You see, unlike the other comprehensive education programs authorized under the Bilingual Education Act, Family English Literacy Programs have a single objective: teaching English to parents who themselves do not know English. And because Family English Literacy Programs are for adults, the law does not require any use of the parent's native language in these simple, straight-forward English instruction programs.

Since taking office, William Bennett has travelled widely and talked loosely. Some of what he says makes sense. "Parents are the first and most influential teachers of their children; they should spend more time with their children, reading to them and teaching them to read." But Mr. Bennett's message on bilingual education, coupled with facts the Secretary knew but never disclosed, does not make sense. At best he is mixed up; at worst, he is malicious.

## HAPPY FISCAL NEW YEAR

### HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

Mr. GUNDERSON. Mr. Speaker, budgetarily speaking, today is a landmark. We begin a new fiscal year—fiscal year 1986.

As we begin the new fiscal year, however, we are setting statistical records which, while noteworthy, are hardly anything to brag about.

First of all, we have exceeded an annual deficit of $200 billion for the first time in history. Worse yet, our national debt is about to exceed the $2 trillion mark—$2 trillion.

Those numbers literally boggle the mind. Let me put them in perspective for you. The world's largest debtor nation—Brazil—has a foreign debt of $83 billion. Mexico's foreign debt is $76 billion while Argentina owes other nations $28 billion.

In fact, if you add up all of the foreign debts of the world's 154 debtor nations, it comes to $782 billion. By comparison, that means that our domestic debt is almost three times the size of the foreign debt of all of the world's debtor nations. If that doesn't make every Member of this House sit up and take notice, nothing will.

Yet, Mr. Speaker, after all is said and done in the budget process for fiscal year 1986, we still anticipate budget deficits of $172 billion in fiscal year 1986, $155 billion in fiscal year 1987, and $113 billion in fiscal year 1988 by Budget Committee calculations. That's another $440 billion over 3 years. And this was the year when we were going to seriously address the deficit issue?

If recent history is any indicator, Congress is not going to get serious about the deficit unless it has no constitutional alternative. That's why, at the beginning of this new fiscal year, I am again calling upon this body to pass a constitutional amendment mandating a balanced Federal budget each year.

At the very least, we ought to set up the procedure under which a constitutional convention will occur for, if we are unwilling to pass a balanced budget amendment in this body, the issue most assuredly will be thrust upon us by the State legislatures calling for a constitutional convention. They are, in fact, but two States short of accomplishing that goal at this time.

If we want to minimize our current trade deficit, continue the downward movement of interest rates, remedy the net income problems facing our Nation's farmers, and preserve the economic recovery many sectors of our economy are experiencing presently, we must act—and act decisively—now to eliminate deficit spending.

Happy fiscal new year, Mr. Speaker. At least let's pledge to make our next fiscal year happier than the last one.

## NO GREATER LOVE

### HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

Mr. FASCELL. Mr. Speaker, the Vietnam era was a period of bitterness and divisiveness for this Nation and remains, even in 1985, a matter of historical controversy. I would, however, like to call attention to a program, which I believe all Members of this body, regardless of their political orientation, can readily support. It is called No Greater Love.

No Greater Love is a national, nonpartisan, nonprofit, humanitarian organization which was established in 1971 to respond to the needs of American children who lost their fathers in the Vietnam war. Its current efforts are focussed on fostering world peace through children.

On September 17, 1985, the International Day of Peace as proclaimed by the United Nations, No Greater Love sponsored a Pledge of Peace, an international children's observance of this special day. Children representing the 15 member nations of the U.N. Security Council displayed a public commitment to fostering peace in the world by signing the Pledge of Peace as a gift and legacy to the children of the future. In a spirit of unity and love, they hoped to offer a vision that all world leaders can take to heart, and to summit meetings. Acknowledging and accepting their responsibility as the world's future adults, these children committed themselves to providing a peaceful world for their children and all the children of the future who will inherit this planet Earth. The Pledge of Peace Program has received the enthusiastic support of the U.N. Secretary General, His Excellency Javier Perez Cuellar, who was the honorary patron for the September 17 event.

The Pledge of Peace ceremony launched a worldwide effort that will see hundreds of thousands of children throughout the world signing pledges of peace during the month of October. No Greater Love plans to transfer the pledges onto a laser disk to become part of a peacetime capsule to be buried at Arlington National Cemetery for 200 years. It will also request of NASA that Sharon McAuliffe, the teacher chosen to ride the shuttle *Challenger,* carry a duplicate laser disk with her into space in January 1986.

I heartily endorse the Pledge of Peace Program and commend No Greater Love for being its sponsor. Pledge of Peace should encourage us as national leaders and decisionmakers to contemplate these children's hope and faith for a better world and to renew our national commitment to peace on their behalf.

## CITY OF RYE FIRE DEPARTMENT

### HON. JOSEPH J. DioGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

Mr. DioGUARDI. Mr. Speaker, I rise today to pay tribute to the city of Rye Fire Department which will be entering into their centennial year of service. Both volunteers as well as members courageously risk their lives in serving the public. Night and day these fine citizens serve faithfully protecting their community. I would like to wish them a joyous celebration and hope they continue the great job they are doing.

## CONFRONTING THE BUDGET CRISIS

### HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

Mr. EDGAR. Mr. Speaker, today is the first day of fiscal year 1986. Today is when we have to begin to make good to the American people on our pledge to balance the budget and bring Federal spending back under control.

To mark this auspicious occasion, I am introducing two pieces of legislation that will help the President and Congress to get a better handle on the Federal budget. It is vitally important that we begin the new fiscal year by looking at the hard numbers and choices we face to reduce and eliminate the huge budget deficits which threaten our economic future.

The first bill I am introducing today would require the President to submit and Congress to consider a balanced Federal budget. It is very similar to legislation that passed this House by a 411–11 margin almost exactly 1 year ago today—on October 2, 1984. The second bill would provide for a 2-year budget cycle, making it easier to achieve our budget deadlines and giving Congress more time for oversight of the programs funded under the budget.

The Federal budget has shown a deficit almost every year since World War II, but none has been nearly so large as the annual deficits we have been faced with since 1981. In each of the last 3 years, the Federal deficit has been nearly three times the size of any single deficit prior to 1981.

The amount of debt that the President has proposed and signed for in just the last 5 years is equal to the total national debt that was accumulated under all previous Presidents, from George Washington through Jimmy Carter. In other words, the size of the total Federal debt has more than doubled since President Reagan took office, and it will double again in the next 6 years if we do not take the necessary steps to control it.

The adverse economic consequences of this huge and growing debt are enormous:

the highest real interest rates in history, slowing economic growth, and record trade deficits resulting in the loss of millions of American jobs.

Our growing national debt guarantees much greater future Government spending because of the much higher interest costs we will have to pay every single year. The cost of interest payments on the debt next year will be $146 billion, three times the cost of interest just 6 years ago. That huge amount, almost 15 percent of the money the Government will spend, won't be used to buy anything—it will go simply to pay interest on the debt. And the annual interest payment will soar to $234 billion by 1990 if deficits are not reduced.

That's 15 percent of the budget that can't be spent to help rehabiiitate our aging infrastructure and provide a good climate for business growth.

That's 15 percent of the budget that can't be spent to help needy students attend college and train for America's future.

That's 15 percent of the budget that can't be spent to provide vitally needed health care for the very young, the very old, and the indigent.

That's 15 percent of the budget that can't be spent for job training, for science and health research, for Federal law enforcement, for air and water pollution control.

Quite frankly, Mr. Speaker, it's money we're borrowing from our children.

As a Federal Representative, it's very hard for me to go to the people of my State of Pennsylvania and tell them that we're borrowing money from their children, but we still can't commit any resources to help stop the economic downturn that has caused a steady loss of jobs in our State.

It's very hard for me to tell the people of my State that because the Federal Government is borrowing so heavily, they have to pay more for a home or a car.

While there is no substitute for the political courage necessary to balance the budget, to make the tough choices about Federal spending, we can make our job easier by passing these two bills.

The statutory balanced budget bill I am introducing today requires the President and the Congressional Budget Committees to submit balanced budgets next year. If they determine that a balanced budget is not appropriate, they must also include in the other budget a specific plan and a specific timetable for achieving a balanced budget. It's a straightforward, no nonsense requirement for both the President and Congress.

We did a passable job on attacking the deficit this year, but even tougher decisions lie ahead of us. This legislation will at last require the President to back up his rhetoric with a plan for a balanced budget; and it will require Congress to do the same or call his bluff.

Perhaps some will claim that only a constitutional amendment to balance the budget will do. To them I reply that I don't want to wait around for the passage and ratification of a balanced budget or for the uncertainties that would surround a balanced budget constitutional convention. Any constitutional amendment would require implementing legislation, and this bill does that. Why not act now?

The Biennial Budgeting Act, which I am also introducing today, will stretch out the budget process for 2 years. The act will set aside 1 year for oversight activities and work on authorization bills. Early in the second year authorization bills and a budget resolution would be passed, and work would begin on appropriation—spending—bills, with final passage of these measures before the beginning of a 2-year fiscal period.

The record of Congress in meeting budget deadlines has been pretty dismal over the past few years. Passage of budget resolutions and appropriations bills is chronically late, leading us to fund the Government by stopgap spending measures that increase the temptation to sneak excess Government spending in through the back door. Furthermore, little time has been spent on oversight of Federal programs, an activity crucial for a Government that is spending at the rate of over $2 billion per day.

Admittedly, a 2-year cycle would not be cure-all for our budget problems. It would give us a fighting chance, however, to meet our budget deadlines and conduct the sort of oversight that is essential for a lean, responsive Federal budget. This is, after all, Congress' job.

Mr. Speaker, I urge my colleagues to review these two bills and add their names as cosponsors. These are the tools we need to confront the budget crisis, and we can't begin a moment too soon.

## THE YUGOSLAV AMERICAN CLUB OF SAN PEDRO CELEBRATES GOLDEN ANNIVERSARY

### HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

Mr. ANDERSON. Mr. Speaker, I am honored to rise today and inform my colleagues that 1985 marks the 50th anniversary of the Yugoslav American Club of San Pedro, CA.

On May 6, 1926, a group of 25 Americans of Yugoslavian decent met informally to discuss plans of forming a club to benefit Yugoslav-Americans. According to the club's historian, Andy Bonacich, the goals of the fine organization are to "promote and cultivate good fellowship; higher social, intellectual, and economic standards and a true spirit of brother love; promote American patriotism and better citizenship by upholding the Constitution and the laws of the United States; promote good will and esteem toward Yugoslavia; promote folk art, music, sports, and general social organization; and to provide and maintain a home for social activities and a meeting place for the members."

The first social event of the club was a program and dance, held December 16, 1926, at the Knights of Columbus Hall to benefit the Yugoslav home fund. Later, a building committee was formed and many social events were organized and held to raise money for the building fund.

In 1934, a ground breaking was held at 17th and Palos Verdes Streets to begin construction of the original clubhouse. It was dedicated on September 30, 1935. As the membership grew, it became apparent that this facility could not possibly accommodate such growth and thus, in 1961, a second building was added to the original structure. Today, the club has 850 active members.

Mr. Speaker, the Yugoslav American Club of San Pedro is an institution in our community. Its members are actively involved in making the entire harbor area a better place to live and work and their efforts do not go unnoticed. My wife, Lee, joins me in saluting the Yugoslav American Club, and all its members, past and present, on this special occasion. We know that the club will continue to grow and be successful in all its endeavors in the years ahead.

## ATTORNEY GENERAL MEESE TARGETS DOMESTIC MARIJUANA

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

Mr. RANGEL. Mr. Speaker, the issue of domestically cultivated marijuana has been a priority of the Select Committee on Narcotics Abuse and Control which I chair and will continue as such throughout the 99th Congress. Increased production estimates, the violence of the growers, and the increased availability of domestic marijuana has necessitated ongoing scrutiny by the select committee. While the most recent report of the National Narcotics Intelligence Consumer Center [NNICC] indicates that domestic marijuana accounts for 11 percent of the marijuana consumed by Americans, down from last year's statistic of 15 percent, the select committee and I continue to consider the issue of domestic marijuana as a serious threat to the well-being of Americans regarding both health and law enforcement.

In the course of the 98th Congress I visited the marijuana producing regions of California and Hawaii to ascertain the severity of the marijuana problem and to obtain a local perspective on the issue. During select committee field hearings in Redding, CA, in July 1983 and during a briefing in Honolulu, HI, in January 1984, two centers for the trade, I heard first hand how the increase in marijuana production was creating unprecedented law enforcement problems, and how violence by and among growers had increased, particularly as growers sought to protect valuable high potency sinsemilla marijuana plants.

The report which issued and detailed the Redding and Honolulu data concluded that,

**"There appears to be little doubt that the illicit cultivation of marijuana in the United States is a problem of great magnitude. There is equally little doubt that the efforts to stop such enterprises leaves much to be desired." I stressed at that time the need for the Federal commitment to domestic marijuana eradication to increase, specifically to providing States with more DEA funding for their eradication efforts.**

**This call for greater Federal involvement did not go unheeded. Attorney General Meese in a recent column in USA Today outlined the administration's most recent crackdown on domestic marijuana cultivation and some of the arguments advanced for making the eradication of domestically grown marijuana a top law enforcement priority.**

**Whether the "eradication blitz," as it was called by Mr. Meese, can or will be sustained for any meaningful period of time is a matter for speculation. However, if it be for but 1 week out of the year, results similar to those of this summer's campaign surely send the message to the growers and those along the chain of distribution that our laws will be enforced and that this illegal enterprise will not be tolerated.**

**The Attorney General in his colum offers a timely and incisive analysis of the "eradication blitz" and several of the public health and law enforcement concerns which prompted it. The numbers concerning how many plants to date have been confiscated and destroyed are impressive. I will hope that in the future, prior notification of operations such as this will be dispensed with in order to maximize the yield of the confiscated crop while minimizing the dangers to our law enforcement personnel.**

**The column follows:**

[From the USA Today Aug. 9-11, 1985]

THESE GROWERS ARE CRIMINALS

(By Edwind Meese III)

This week federal agents joined more than 300 state and local law enforcement agencies in searching out, uprooting, and destroying marijuana plants that had been growing in hidden plots in every state.

As of Thursday, our eradication blitz had resulted in the destruction of 342,635 plants.

This effort will continue, because the Reagan administration is very serious indeed about the war on drugs, and particularly on marijuana production.

That is the message we want to send, as emphatically as possible, to criminal growers within our own borders and to governments abroad.

Marijuana is too often regarded as a "harmless" drug. Actually, recent medical studies show it has a very serious impact on health. Consider.

Its active ingredient, THC, causes disease-fighting cells in the body to grow more slowly, move more slowly, and respond poorly to invading disease.

Reaction time for motor skills, such as driving drops an average of 42 percent after smoking one marijuana cigarette.

Smoking five marijuana cigarettes a week has the same effect on the respiratory system as smoking 112 tobacco cigarettes.

Harmless? Hardly.

What's more, the criminal cultivation of marijuana is invariably accompanied by other serious crimes, including crimes of violence, as growers and their associates go to any lengths to protect their efforts to harvest, transport, and market their crop.

Those involved don't care who gets hurt in the process, thus innocent citizens can become victims of this criminal activity without any warning.

A significant fraction of the domestic crop is grown on federal lands, where people on backpacking trips, picnics, fishing or hunting expeditions can stumble onto a plot rigged with booby traps, or where growers use guns to injure those who get too close.

Trip-wired explosive devices, bear traps, punji stakes, fish hooks dangling at eye level—those are weapons of the criminal grower. We cannot permit it.

We will continue to tear up and destroy the plants wherever we encounter them. The growers should know we consider them criminals and together with state and local law enforcement agencies we will do everything in our power to send them to prison.

## AIDING MEXICO

### HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

**Mr. GARCIA. Mr. Speaker, now more than ever, we must come to the aid of Mexico. Our future is linked with theirs; we are joined to Mexico on many levels, but it is my hope that a quick response from the American people to this recent tragedy will strengthen the most important bond we have with the people of Mexico—our human ties.**

**The earthquake is the most visible tragedy to have befallen that country, but there are other problems that are, in their own way, just as devastating to Mexico. The debt crisis and the poverty it creates have pushed Mexico into a state of economic crisis, and if that nation is to rise above its present problems, we had better begin to aid them in any and all ways that we possibly can.**

**It is my hope that all Americans will now unite in their efforts to aid our friends and neighbors in Mexico. It is important to remember that by helping Mexico with its future, we are, at the same time, helping ourselves.**

**I would like to submit for the RECORD an excellent article by James Reston on Mexico from the September 28 edition of the New York Times.**

[From the New York Times, Sept. 28, 1985]

MEXICO, O MEXICO!

(By James Reston)

WASHINGTON.—It took the recent earthquakes in Mexico—the cries of children in the rubble—to make this capital think a little more seriously about the accidents of life and death and the common problems of the Western Hemisphere.

Washington has been thinking about other things, all of them important: about disasters that might happen with the Soviet Union on earth and in outer space, for example; and about others, perhaps less important.

In fact, more hours have been spent here in recent years on the politics of Nicaragua and El Salvador than on the economic and social tangles of Mexico, which is bigger than all of continental Western Europe, with a population knocking at our door that is larger than Britain's or France's or West Germany's. The Government and people of the United States reacted with sympathy and generosity to Mexico's recent tragedy, as they usually do to human suffering. Aside from this, the earthquakes along the rim of the Pacific reminded us of our common geography and mortality, and brought us a little close to home.

But there's a problem. It seems that, like most people, we pay attention not to the causes of human tragedy but only to the consequences, and then, with the utmost but tardy good will, try to deal with them when they break out into physical violence, rebellion, anarchy and death.

It's not a new story. We ourselves tolerated slavery in our own country for a hundred years and loitered down into the terrible War Between the States before we finally got rid of that curse, the remnants of which are still with us.

Likewise, it took two world wars, which were really civil wars within Western civilization, to bring the nations that believed in personal freedom to their senses, to fetch America out of isolation, to compose the ancient enmities of France and Germany, and produce the beginnings—but only the beginnings—of a common economic and political union in Europe, and a sensible common purpose among the nations of the Atlantic and the Mediterranean.

What has been sad about all this, though understandable, is that while Washington has been preoccupied—almost transfixed—by its conflicts with Moscow on the nuclear balance of power in Europe and outer space, it has, or so it seems here, to have forgotten what was happening on its southern border in the night—namely, a population explosion, almost a dust of people fleeing from poverty across our borders, which are now beyond our control.

There is no way the United States can isolate itself from the clash of ideologies and weapons with the Soviet Union, or from the tangles of the Middle East, or the racial struggles of Africa, or the economic, financial and communications revolution of the coming century.

But in the midst of all this distracting tumult about what might happen in the military starts, we have tended to forget the human star that guided so many wanderers from the world to this continent.

The new Soviet Foreign Minister, Eduard Shevardnadze, has been here in recent days talking about a 50 percent cut in nuclear weapons, which is a good sign; but maybe we need at least a 50 percent cut in poverty in Mexico and even more in misunderstanding between Washington and Mexico City.

Everybody in Washington agrees with the Monroe Doctrine about defending the security of the Americas from invasion by alien troops and ideas from other continents.

What has been forgotten, or at least minimized in the confusion of the cold war with the Russians, is that other doctrine that Franklin Roosevelt called the Good Neighbor Policy.

This has come down in Washington to an unresolved question of philosophy, which is not Washington's favorite subject, and also to money, which is Washington's favorite subject.

And ultimately it comes down to the question of "security." Where does it lie? In more billions for weapons or more for food

in a hungry world? Or at least a little better distribution between the two?

These are the questions the tragedy of Mexico has raised here in recent days. Washington didn't produce the earthquakes or population explosion in Mexico, but they made folks here think a little more about the fire next door.

## REFUGEE ASSISTANCE ILLEGALLY WITHHELD

### HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

Mr. MINETA. Mr. Speaker, yesterday, on the last day of the Federal fiscal year, the U.S. District Court for the Northern District of California issued a temporary restraining order directing the Reagan administration to release $11.5 million in refugee assistance illegally withheld from counties with significant refugee populations. The district court's action was necessary to prevent the funds appropriated for the Refugee Entrant and Targeted Assistance Program administered by the Department of Health and Human Services from reverting to the Treasury at midnight last night.

The case before the court was filed by Congressman DON EDWARDS, other distinguished members of this body, and individual refugees who have been injured by the administration's persistent failure to release these funds despite clear congressional intent that the funds be released. I strongly support and commend Mr. EDWARDS and the other plaintiffs in this effort, and I am grateful that Mr. EDWARDS joined in this effort on behalf of the California Democratic Congressional Delegation.

Refugee-related social services costs severely impact Santa Clara County, which I represent along with my colleague, Mr. EDWARDS. Of the $11.5 million in illegally impounded funds, Santa Clara County would receive $474,157. These funds would go to support one of the most successful refugee job training programs in the country. The refugee targeted assistance program provides funds needed to assimilate recent refugees into the labor force and thereby enable these individuals to become independent and more productive members of society.

The court's decision in *Edwards* v. *Heckler* comes on the heels of a Comptroller General's ruling that the Office of Management and Budget improperly and illegally impounded $11.5 million of $89 million appropriated by Congress for fiscal year 1985 for the Refugee Entrant and Targeted Assistance Program. For the past 2 years OMB has resisted expending targeted assistance in accordance with congressional direction. In light of the U.S. District Court restraining order, the Comptroller General opinion, and intense congressional involvement, we have clearly reached the point where OMB has no reasonable alternative but to release the $11.5 million.

## FEDERAL IMMIGRATION DECISIONS

### HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

Mr. FASCELL. Mr. Speaker, the Reagan administration continues to disavow Federal responsibility for the costs and impacts of Federal immigration decisions. The U.S. District Court for Northern California and the General Accounting Office have ruled that OMB must release $11.5 million in targeted assistance funds for refugee and entrant programs, yet OMB continues its illegal impoundment of these funds. Congress clearly intended that all of the money for these programs be spent.

OMB is not a fourth branch of the Federal Government and has no authority to contradict congressional intent. It seems to me that OMB is stridently and willfully ignoring congressional will. Immigration is a Federal responsibility. OMB should release the funds in dispute immediately.

## CONGRESSIONAL TRIBUTE TO THE PORT OF LONG BEACH

### HON. GLEN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

Mr. ANDERSON. Mr. Speaker, I rise to pay tribute to the Port of Long Beach, CA, which will receive the 1985 Salute to Industry Award from the Harbor Association of Industry & Commerce on November 8.

The Port of Long Beach, which is preparing for its 75th year of business, is ably administered by the five-member board of harbor commissioners of the city of Long Beach presided over by President Louise DuVall. In its 74-year history, the port has risen, most recently under the experienced leadership of Executive Director Jim McJunkin, to become the largest port on the west coast of the United States. In 1984, the port handled over 54 million tons of cargo.

In addition to its ability to handle large volumes of cargo, the port has been one of the first to modernize to meet the changes in the transportation industry. The port was a leader in introducing the handling of containerized cargo. It has 7 container terminals and 19 container cranes. In the near future, an 86-acre container terminal with four additional container cranes should be fully utilized.

In addition to its advances in container handling, the port has opened its channels to larger vessels, and has worked to develop facilities to enhance its capabilities. The port has the deepest entry channel on the west coast, which is able to handle vessels drawing 60 feet of water. The port has also worked, jointly with the adjacent Port of Los Angeles, to develop an intermodal container transfer facility and has purchased 13 acres of land in downtown Long Beach on which to construct a World Trade Center, adjacent to the recently authorized Long Beach Federal Building.

The Port of Long Beach has received the Presidential Award for Excellence in Exports and a second Presidential award for continued export excellence, the E-Star Award. The port, in addition to its excellent service to the Nation, has created 175,000 jobs and pumps $4.5 billion annually into the local economy. The amount of their contribution will more than double with the planned growth of the port under the 2020 plan, which would involve the creation of over 1,300 acres of land.

My wife, Lee, joins me in congratulating the Port of Long Beach on the receipt of the 1985 Salute to Industry Award, and in wishing the port continued success in its outstanding efforts to serve Long Beach and the Nation.

## HAPPY BIRTHDAY SCHOFIELD RESIDENCE

### HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

Mr. LAFALCE. Mr. Speaker, this year we pay special tribute to the founders and supporters of the Schofield Residence, a not-for-profit community based health care facility which has provided needed services to the elderly in the western New York community for 75 years. The Schofield Residence operates a 120-bed skilled nursing and health related facility offering long-term health care programs and a medical day care program. We are especially indebted to Dr. Jennie Schofield, who recognized the importance of long-term care by founding the Wheel Chair Home for Incurables in 1910, now known as the Schofield Residence.

One of the most critical needs within our communities is providing health care, especially for older adults. Older people require health services greatly disproportionate to their percentage to the population. The number of persons over 65 has doubled since 1950 and will double again by 2020—the adult years for most of our children. Further, there is a staggering growth among the very old; those 85 and older will increase at double the rate of the rest of the population. While more people in this age group will be living, few will do so without the need for major levels of health care services.

The Schofield Residence, operating in the village of Kenmore, NY, has served a critical need since 1910. That need has multiplied many times over the past 75 years and has been met at every stage by the professionals and community involved at the residence. We owe a debt of gratitude to all who have contributed their skills and energies to care for older adults requiring health care services both in their own homes or at the residence.

Congress salutes the Schofield Residence as it celebrates its 75th anniversary.

## TAX REFORM PLAN: UNFAIR TO SERVICE BUSINESSES

### HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

**Mr. HUBBARD. Mr. Speaker, I continue to hear from my constituents in western Kentucky and from people throughout the entire State of Kentucky about their concerns relative to the President's tax simplification proposal.**

**I would like to share with my colleagues at this time the letter I received from my constituent, Dr. James L. Beck, of Trover Clinic in Madisonville, KY, who has written to me about his opposition to the plan that would force certain service businesses to use the accrual method of accounting for income tax purposes.**

**Dr. James Beck and others who have contacted me about this plan are fearful that the "proposal would accelerate and increase the tax liabilities of individual partners of professional service firms such as physician, accounting, and engineering partnerships."**

**I understand his concerns, and the letter from Dr. James Beck is as follows:**

TROVER CLINIC,
*Madisonville, KY.*

Hon. CARROLL HUBBARD, Jr.,
*U.S. House of Representatives,*
*Washington, DC.*

DEAR REPRESENTATIVE HUBBARD: I would like to express my opposition to the provision of the President's tax reform proposal that would force all service businesses having annual gross receipts of more the $5 million dollars to use the accrual method of accounting for the purpose of computing income tax.

This proposal would accelerate and increase the tax liabilities of individual partners of professional service firms such as physician, accounting, and engineering partnerships. Individuals in these organizations would pay income tax on services rendered before they received payment for those services. The cash method of accounting is (and has been) used by most individuals and service partnerships for computing income tax for as long as we have had an income tax system.

Forced use of the accrual method for tax purposes would impose new complexities and hardships on the internal management of service firms and consequently the individuals in those firms. It would also discriminate against individuals who organize in partnership form regardless of the individual partner's share of gross receipts. As proposed, all other individuals could continue to use the cash method.

I urge you to oppose this part of the President's tax proposal. Thank you very much for your assistance in this matter.

Sincerely,

JAMES L. BECK, M.D.

## LIFE, DEATH, AND HUMAN DIGNITY

### HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

**Mr. FORD of Tennessee. Mr. Speaker, do we as legislators have the authority to determine who shall live and who shall die? Do we as a nation have the right to take away life from a person undergoing untold amounts of pain and duress? And do we have the right to move medical resources from a person simply because one case seems more terminal than another? These questions and others were addressed today in the Select Committee on Aging hearing entitled "Dying With Dignity." Mr. Speaker, it is my belief that these decisions have to be made with the underlying belief of trying to prolong life. In most cases, this decision should be left to the individual.**

**While these ethical considerations raised questions that are difficult for us to answer, it is we in Congress that will ultimately take the lead on this issue. We should never make such a decision on the basis of dollars and cents. This country stands for many things, but I would like to think we would never reach a point where we decide to put dollars over life.**

**However, at some points, these patients are no longer able to make their own decision over the choice between the pain of living and the painlessness of death. Do we have a right to play God with the lives of others? Again, society has to determine at what point a patient reaches that stage, and who shall make that decision? Yet if a person directs that life support machinery be turned off while he or she was in good health or in a competent state, then I believe those wishes should be honored. Former Senator Javits, who testified at the hearing, has advocated that the authority to withdraw life support be granted through a living will, written when the patient is still competent. This would transfer authority to a designated relative, friend, or religious or legal adviser. While I wholeheartedly support Mr. Javits in this belief, I am still undecided as to how to act when there is no written will or similar provision. No one person should make a life or death decision on the life of another without some sort of consent from that individual.**

**Hopefully, through this type of hearing, our Nation can come to a better understanding of how to answer these moral and ethical questions. I want to do everything in my power to keep these patients alive. I want to give the patient every opportunity to make the choice of life over death. Unfortunately, the choices and decisions to be made in these matters are not often clear ones.**

**In regards to this issue, I have enclosed an op-ed piece from the New York Times authored by Mr. Javits, who articulates some of the choices that need to be made. While there are parts of Mr. Javits' plan I do not agree with, I think his views are certainly worthy of discussion, and ask that it be submitted as part of the RECORD.**

[From the New York Times, Aug. 18, 1985]

LIFE, DEATH AND HUMAN DIGNITY

(By Jacob K. Javits)

I may be terminally ill. I therefore face, in an intimate and personal way, the issue of my right to die. I am happy for those who are not ill, but they are terminal too and they should think about this question as it relates to themselves and those they love as friends or family or simply fellow human beings.

The issue first received serious attention 10 years ago, when a New Jersey court granted Karen Ann Quinlan's parents' request to remove life-preserving support from their comatose daughter. There has, since then, been an intensive inquiry into the ethical and legal aspects of the right to die.

The issue is whether a terminally ill patient may confer the authority to withdraw his life support. This is generally done by means of a living will, written when the patient is still competent, that transfers authority to a designated relative, friend, physician, religious or legal adviser or to a court. Thirty-five states have now passed living-will laws, 22 of them in the last decade.

The question arises in the case of any serious illness—including cancer, heart attack and a whole range of neurological and neuromuscular diseases—that deprives the patient of the ability to decide what is to be done for him. But once illness has struck, it is often too late: the patient is often no longer competent to express a will.

Birth and death are the most singular events we experience—and the contemplation of death, as of birth, should be a thing of beauty, not ignobility. Everyone must think about dying, young and old alike, though older people are at greater risk. Given the new medical technology that can sustain life even when the brain is gone, we must also think about the right to die and the need for dignity in departing life.

Happily, my mind is still functioning, but if it should stop, I believe, I would be dead—and there would be no use in prolonging the agony. We owe it to ourselves and the ones we love to make provision for such moments. It is the highest interest of humanitarianism that we prepare for these moments with living-will laws.

The state of New York does not have a living-will law, but Governor Cuomo is contemplating one, as is the State's Health Commissioner, Dr. David Axelrod. A Task Force on Life and the Law is considering the question, and the New York courts have already decided that when the brain is no longer functioning and there is no reasonable possibility that it will resume functioning, the individual is legally dead. The implication is that life-support technology may then be withdrawn without any question that this would be considered euthanasia.

From a legal point of view, living wills are no different from wills that leave property, appoint guardians for children and establish trusts for charity, education and research. As lawyers help people make such ordinary wills, so they should help people provide for their living and dying. The individual making the will must be of sound mind and have the capacity to express his own wishes as to the disposition of his body. These wills could also provide for the contribution, for use in transplants, of bodily organs that are

no longer of any use to the individual. Lawyers should have that responsibility, too.

The authority conferred by a living will must not, of course, be abused. Nothing could be more important, after all, than the right of life—and the right not to have it terminated prematurely. In the event of flagrant abuse, or any possibility of it—when a decision may seem to defy the wishes of the individual who made the will, or when loved ones are unable to determine if it should be invoked—then, of course, the patient's relatives must have recourse to the courts.

The issue of living wills is under consideration now by the American Bar Association, the American Medical Association, the Pacific Presbyterian Medical Center of San Francisco and the Committees on the Aging in both the Senate and the House of Representatives, among other organizations. We can only hope that they will all understand the need to preserve the dignity that is most precious to an older person or anyone else who has to think imminently about dying. Surely that dignity is best served by avoiding the confusion that comes from not having a will about mortality.

Short of a living will, the best way to provide that dignity is to use the durable power of attorney to appoint an individual to make medical decisions when the patient concerned is no longer competent to make them. (This is now legal in all states, although not in the District of Columbia.) Here again, the appointed person may be a relative, physician or legal or religious adviser, and here too confusion and quarrels may be avoided by conferring the necessary authority in advance.

There is, finally, the question of money, which plays a part in even this sort of decision. Many people were shocked last year when Govenor Richard D. Lamm of Colorado urged people who has no real prospect of life to "get out of the way" and stop using resources that could be used more profitably by other people. This sounded callous, and it probably was, but it was the truth. We have not yet reached the point, even in this glorious nation, where living or dying has nothing to do with economics. That is what makes the right to die with dignity an issue of morality as well as policy and law.

Whether we are old or young, healthy or ill, we cannot go on shirking the questions of who shall live, who shall die and who shall decide.

## HUMAN RIGHTS IN THE SOVIET UNION AND THE REAGAN-GORBACHEV SUMMIT

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

**Mr. LANTOS. Mr. Speaker, I am pleased to join with our distinguished colleague from New York, JACK KEMP, in sponsoring a series of letters to President Reagan about Soviet Jewish political prisoners. The upcoming summit meeting between President Reagan and Soviet Secretary General Gorbachev presents an ideal forum in which to stress the commitment to human rights not only of the President, but of the Congress and the American people.**

**If American human rights concerns are to be given the serious attention they deserve by the Soviet Union leadership, we must be certain that these concerns are highlighted when the opportunity exists to raise them. The issue of human rights must be a priority item on the President's agenda for the Geneva summit.**

**Over the next 3 weeks, 19 of our colleagues will place statements in the CONGRESSIONAL RECORD about individual political prisoners. Their stories are tragically similar: honest, hard-working individuals, many with wives and children, imprisoned for their refusal to turn their backs on their religion or their heritage. They are heroes—willing to suffer for a noble cause, standing up to a powerful government.**

**One need only scan the list of names to recognize individuals who have come to symbolize courage and compassion: Anatoly Shcharansky, Iosef Begun, Yuli Edelshtein, and many more.**

**The tragic element is that persecution does not end with prison bars. Their immediate physical suffering in prison is magnified by the burden placed on the families—the stigma placed on their children, who are harassed at school because of their religious practices; the financial strain when the principal breadwinner is no longer receiving an income and their wives must subsist upon manual labor and handouts from friends; the stress upon family and friends over the possibility of the government imposing an additional 3-year prison term.**

**Mr. Speaker, it would be irresponsible and uncaring on our part, however, to ignore that suffering, do nothing about it. We must be certain that the leaders of the Soviet Union hear our cries of outrage, that they understand our commitment to human rights, and that they know we act from conviction.**

**Following is the text of the letter I am sending to President Reagan concerning the political prisoner my wife, Annette, adopted for the Congressional Spouses' Committee of 21:**

Hon. RONALD REAGAN,
*President of the United States, The White House, Washington, DC.*

DEAR MR. PRESIDENT: I would like to commend you for the commitment you have demonstrated in speaking out against the unjust treatment of Soviet Jews. Your leadership has been an inspiration to us all.

I believe that your upcoming summit meeting with Secretary General Gorbachev will be a golden opportunity for you to once again underline the dedication of the American people to these brave individuals who hold fast to their religious beliefs in the face of appalling persecution.

Upon returning in January from a meeting with the refusniks in Moscow, my wife, Annette, formed the Congressional Spouse's Committee of 21, which focuses attention on the plight faced by Soviet political prisoners. The Committee of 21 pairs 21 Soviet prisoners of conscience with the same number of congressional wives.

I would like you to raise the case of one of the political prisoners during the summit in November. Lev Shefer, adopted by my wife for the Committee of 21, is a 54-year-old engineer from Sverdlovsk. He has been sentenced to 5 years strict regime prison under Article 70 of the Soviet Criminal Code for "defaming the Soviet State." The basis for the "defamation" charge was the possession of two Hebrew books.

He has been held in prison since August 1981 and was not granted an attorney until just recently. His arrest and sentencing has created an atmosphere of terror among Sverdlovsk Jews. Unfortunately, Lev Shefer is only one case in many; in Moscow alone, 95 Hebrew teachers have been called in and warned to stop their activities, or face expulsion from Moscow.

In any other country these refusniks would be esteemed for their compassion, devotion, and perseverance. However, Soviet Jews are undergoing extreme pressure and persecution from the government which should be protecting them. Please assure Secretary General Gorbachev that American commitment to Soviet Jews is not simply a passing interest; rather, our commitment is part of an overall commitment to seeing human rights play a critical role in defining the long-term peace and security of our world.

Cordially,

TOM LANTOS,
*Member of Congress.*

## AMENDING THE CONSTITUTION BY DEFAULT

### HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

**Mr. MARKEY. Mr. Speaker, I submit for the consideration of my colleagues an insightful article written by Lawrence H. Tribe, professor of constitutional law at Harvard University. Professor Tribe has long been regarded as one of the foremost authorities on constitutional law in the United States. In his article, Professor Tribe illustrates how the delicate balance of power, achieved so expertly by our Founding Fathers, has been maintained throughout our history. Professor Tribe describes the vital role that our colleagues in the Senate will play in the continued maintenance of our Constitution, and I urge my colleagues in both bodies to read this important piece.**

AMENDING THE CONSTITUTION BY DEFAULT

(By Lawrence H. Tribe)

CAMBRIDGE, MA.—Few things are taken more seriously in America than changing the Constitution: Witness the years of debate over the Equal Rights Amendment, a right to life amendment and a balanced budget amendment. Yet, we may be on the threshold of amending our basic charter without rewriting a single word—and with barely a word of debate on the pros and cons of the changes that await us.

The Federal judiciary—whose members interpret and give life to the Constitution's deliberately ambiguous phrases—is being remade in a new image, as President Reagan quietly fills nearly half the Federal judgeships in the country. Those judges are bound by existing Supreme Court precedents. But that Court, with more than half of its nine Justices already over 76 years of age, is itself becoming riper every day for Presidential court-packing on a scale that the nation has rarely seen.

What of the Senate's role in approving or rejecting the President's judicial nominees?

Even Senator Paul Simon, Democrat of Illinois, who recently voiced alarm at the marked "ideological tilt" already evident in those nominees, feels that the Senate isn't "in a position to block anyone on that basis." This common misperception of the Senate's responsibility for overseeing judicial—and especially Supreme Court—appointments is ominous. For the power of appointment can far surpass even the power of amendment in reversing the most basic legal precedents and transforming the way the Constitution shapes our lives.

The appointment of Supreme Court justices is not minor surgery but the selection of life-tenured surgeons licensed to operate on the entire body politic. Andrew Jackson put his Treasury Secretary, Roger Taney, on the Court in 1836 to destroy the Bank of the United States; 20 years later Justice Taney was still around to write Dred Scott, declaring black people to be property and making the Civil War all but inevitable. There are single-issue amendments, but there can be no single-issue justices. Picking justices on the basis of how we guess they will vote on a specific case is in itself a grave error. But picking them without regard to how we think they will approach and resolve broad issues of legal philosophy may be constitutional suicide.

Ronald Reagan tests his judicial nominees for conformity to official dogma more thoroughly than any other President ever has. Among his most trusted advisers are some who favor judges wedded to the Constitution as it looked in 1787, judges who would treat the Bill of Rights as inapplicable to the states. People otherwise loyal to the Administration have been dropped from consideration even for lower court nominations for such heresies as supporting gun control or making contributions to Planned Parenthood.

Ronald Reagan is hardly the first President to discover that his greatest legacy may be the Supreme Court justices he appoints. George Washington appointed nationalists who guaranteed the survival of the fledging Federal Government. Franklin D. Roosevelt nominated New Dealers who upheld his ambitious programs. Richard M. Nixon sought justices who would get tough on crime—and tough on crime his four appointees remain, a decade after he was driven from the White House.

Given the ages of the current Justices, there is almost sure to be a nearly complete transformation of the high Court before long. And little stands in the way so long as even opposition Senators assume that the President is entitled to confirmation of any nominees he selects if they have at least had distinguished legal careers and have left no smoking guns lying about. That assumption is utterly perverse. Surely no one would dare suggest that the President should have the power single-handedly to amend the Constitution. Yet otherwise conscientious Senators seem ready to abdicate to the White House the no less decisive power to alter the Constitution by appointment.

This concession to the President defies history as well as common sense. The Constitutional Convention of 1787 initially adopted a draft that left the choice of Supreme Court justices to the Senate alone. The current language was a compromise, lodging the power to appoint jointly in the White House and the Senate chamber: The President can nominate, but only the Senate can confirm. Those who wrote the Constitution did not envision the Senate's power of "advice and consent" as a rubber stamp.

Even the father of our country did not receive automatic confirmation of his nominees: Washington's nomination of John Rutledge was rejected not on the basis of the appointee's qualifications but because his substantive views were unacceptable to the Senate. In the two centuries since, fully one out of every five Supreme Court nominations has been derailed by the Senate.

The Senate's role as special guardian of the Supreme Court's balance and direction is even more crucial today than in 1787. As executive branch power has swelled, the need to check Presidential prerogatives has grown. Fortunately, the Senate's suitability for policing the appointment process has grown as well. Ever since the 17th Amendment provided for the Senate's popular election, it has been more diverse and accountable than the Presidency.

The Senate's 100 members represent both parties, many philosophies, many ancestries and both genders. And unlike the chief executive, whose "mandate" reflects a single snapshot of the electorate taken on one day every four years, the Senate, with its staggered terms and biennial elections, always combines three pictures of public sentiment, superimposed on one another to render a more accurate and continuous image. Even a President elected by a landslide does not represent the views of the other 40 percent of the voters.

In recent months, the Senate has not hesitated, on overtly substantive grounds, to resist White House nominees for sensitive posts in the Justice Department. It is more fitting still for the Senate to guard access to the nine seats on the Supreme Court. The judges appointed by President Reagan, or by his successor, will be handing down decisions well into the 21st century. Even if the Senate elections were not a short year away, all of us would do well to remember how much the attitudes of Senators can shape the selection of the Court that interprets our Constitution.

## RETIREMENT OF REPRESENTATIVE PARREN MITCHELL

### HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

**Ms. MIKULSKI. Mr. Speaker, I knew of PARREN MITCHELL long before I ever really got to know him personally. In fact, every Baltimorean who takes his or her community seriously knows of the Mitchell family.**

**Most of us can never remember a time when there wasn't a member of the Mitchell family working to make civil rights a reality in our community. As executive director of the Maryland Commission on Human Rights, PARREN used to go around our State organizing and speaking out for the rights of all of our people. He traveled many times back and forth across our State even though there were restaurants where he couldn't eat, and motels where he couldn't rest.**

**Twenty years ago, or so, he agreed to head up the Baltimore poverty program. I was working in the program at the time. He was my boss. He was the "commander-in-chief" of our war on poverty. And I was happy to be one of his footsoldiers.**

**We walked together, we stood together, we marched together following the philosophies of Gandhi and Martin Luther King.**

**Back in the 1960's, neither of us ever thought that some of the changes we've witnessed in our lifetimes would ever come. We certainly never thought that someone who looked like him, and someone who looked like me, would ever be elected to serve in the U.S. Congress.**

**The fact that we have been given this opportunity to work together on Capitol Hill is a great tribute to our country and to our democracy.**

**We know our democracy remains free because of people like PARREN MITCHELL who challenge us to be everything we can be. Though he will be leaving the Halls of Congress, we know that a Mitchell never really retires.**

**We will still be able to see him. We will still be able to hear him.**

**I hope that in time he will turn to the fields of journalism and teaching. He's been teaching all of us for years and, as we all know, we still have a lot to learn.**

## COMMERCIAL AND FOREIGN CONTROL OF FEDERAL INFORMATION

### HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

**Mr. OWENS. Mr. Speaker, I will be introducing an amendment to the Labor-Health and Human Services appropriation when it comes to the floor tomorrow. The amendment would prevent any further contracting out of Federal library services under OMB Circular A-76.**

**Why, one might well ask, should the Congress take action to meddle in the running of a small component of an executive agency? The answer is based on the experience of the last several years with the contracting out of library services. At the Environmental Protection Agency, library services were contracted out after the EPA management had declared that the services had deteriorated and that the Government could not afford the equipment to put the library in tune with current technology. As a result of the contracting out, materials were lost and staff displaced.**

**The Housing and Urban Development Department library was contracted out and it is often cited by OMB as an example of the cost reduction which can occur with contracting out. What is not said is that HUD staffers are now using the Library of Congress and other Federal libraries when they need the services of a librarian. It is a simple task to retrieve materials which can be precisely identified, but HUD's new suppliers of library services are unable to locate other materials.**

**In addition to the problem of reduced services at HUD, there is another problem which should concern us all a bit more.**

HUD's library services were contracted out to an American corporation which is a wholly owned subsidiary of a Dutch corporation. It would appear that we are contracting out jobs to foreign competitors. It is also clear that the library services employees at HUD will eventually learn to use the data bases available to them. Do we really want foreign companies to have access to Federal data bases? In many instances they will be in a position to control these Federal data bases.

The experience at the Department of Energy is also instructive. That library has been contracted out for about 2 years. DOE staffers are regularly sent to the Department of Transportation library and the National Bureau of Standards library. Granted, the DOE library seems to be functioning on less money, but it also seems to be doing less work and failing to increase the productivity of workers. Meanwhile, other Federal agencies are subsidizing the "savings" which are realized by contracting out these services.

Information is important. Access to information is access to a resource of great value. For the sake of small paper savings, we are allowing our resources and jobs to be shifted to foreign companies and we are asking that the "savings" be produced by other Federal agencies. It simply does not make sense and it must be stopped.

## COLUMBUS DAY—THE SPIRIT OF DISCOVERY

**HON. PETER W. RODINO, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 1, 1985*

Mr. RODINO. Mr. Speaker, on October 14, millions of Americans all over the Nation will join in celebrating Columbus Day. In doing so, we commemorate the 493d anniversary of the discovery of America.

But there is a great deal more to Columbus Day than the remembrance of a day in history. It is a time for us all to rediscover America ourselves. It is an opportunity for us all to reaffirm our faith in the future and our willingness to face with courage and confidence the grave challenges that confront our Nation.

Seven years from now—in 1992—we will mark the 500th anniversary of the event that changed the world. As the proud author of last year's legislation to establish the Christopher Columbus Quincentenary Jubilee Commission, I look forward to this historic celebration of Columbus' voyage with great anticipation. Plans are already underway for a worldwide tribute to Columbus' great accomplishment, and I hope that it will be a time when we can truly rediscover the greatness of America as well.

Christopher Columbus heroically risked tremendous odds for something he believed in, and Columbus Day is a tribute to the courage and persistence of his spirit. That spirit has become the spirit of America. Columbus braved not only the myth and mysteries of unchartered seas, but the doubts of men to test the strong beliefs he held. He will always stand as a towering example of human achievement in the face of adversity, and serves as an inspiration to all future generations. Christopher Columbus was the embodiment of those qualities—determination, courage, faith, and vision—that have come to stand for the character of this great country.

On Columbus Day we not only honor the man who is rightly called "The Father of Immigration," but all those who came to discover America themselves after him. Although I share with my fellow Americans of Italian heritage that special pride in the achievement of the Genovese navigator, Columbus Day is a time for Americans of all ethnic backgrounds to rejoice in the diversity of our country and to appreciate the fact that we are truly a nation of immigrants. For we know that America became a great country because of the millions of individuals who followed Columbus, from all over the world, who sought a better life and were given the opportunity in this country to achieve their full potential.

This is the true meaning of Columbus Day. In the face of adversity and in the often perplexing and turbulent times in which we live, we Americans have inherited the same spirit that inspired Columbus, and we must harness that spirit and rise to meet the challenge of the future.

One American who truly embodies this Columbian spirit is my dear friend Ace Alagna, publisher of the Italian Tribune News in New Jersey, who, as he does every year, works for the success of the annual Columbus Day parade in Newark. I continue to marvel at Ace's ability to give the Columbus Day ceremonies a truly national and diverse spirit, making each year's celebration even more festive and enjoyable than the last.

This year the grand marshal for the parade will be Sergio Franchi, the great performer and star of stage, film, and television. It is especially fitting that on October 13, the day of the parade, we honor this talented artist as our grand marshal—for it was 13 years ago on this date that he became a citizen of the United States. From Christopher Columbus to Sergio Franchi—an adopted son of America, the spirit of Columbus continues to inspire all of us to newer heights and to newer discoveries.